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Abstract of the Dissertation

**The Stewardship Theory of the Presidency: Theodore  
Roosevelt's Political Theory of Republican Progressive  
Statesmanship and the Foundation of the Modern Presidency**

by

Randall L. Robinson

The Claremont Graduate School: 1997

Contrary to the reigning scholarly opinion, Theodore Roosevelt had a more coherent political theory than has been recognized. This political theory is represented and summarized in his famous stewardship theory of the presidency, articulated in his Autobiography, published in 1913. The main tenets of the theory found expression from the earliest days of Roosevelt's political career and are marked by a consistent effort to strengthen executive power in the hands of a single individual.

The stewardship theory is the public expression of a political theory with three main elements: classical republican, progressive democratic, and statesmanship. It is statesmanship that is crucial to Roosevelt's political theory. Statesmanship combines with the sometimes clashing republican and progressive elements to form a cohesive whole. As the part that cements the disparate elements together, it is statesmanship understood as leadership that is most evident in the stewardship theory. The stewardship theory, then, articulates a political theory of republican progressive statesmanship.

It is this political theory of republican progressive statesmanship that forms the foundation of what has come to be known as the modern presidency. Therefore, to a greater extent than has been recognized, Theodore Roosevelt is the architect of both the theoretical

and practical foundations of the modern presidency. The result has been to weaken and undermine the auxiliary precautions of the United States Constitution, primarily separation of powers, in order to enhance the power of the national government in general and the president in particular in the interest of efficient, progressive leadership and administration.

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**BY**

**Randall L. Robinson**

A Dissertation submitted to the Faculty of The Claremont Graduate School in  
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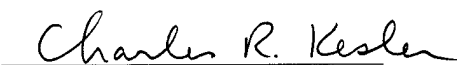
**BY**

**Randall L. Robinson**

A Dissertation submitted to the Faculty of The Claremont Graduate School in  
partial fulfillment of the requirements for the degree of Doctor of Philosophy in  
the Graduate Faculty of Political Science.

Claremont, California  
1997

Approved by:

  
Charles R. Kesler

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Visiting Member

Abstract of the Dissertation

**The Stewardship Theory of the Presidency: Theodore  
Roosevelt's Political Theory of Republican Progressive  
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Randall L. Robinson

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Contrary to the reigning scholarly opinion, Theodore Roosevelt had a more coherent political theory than has been recognized. This political theory is best represented and summarized in his famous stewardship theory of the presidency, which he articulated in his Autobiography, published in 1913. Though the stewardship theory itself was articulated relatively late in his life, the main tenets of the theory found expression from the earliest days of Roosevelt's political career and are marked by a consistent effort to strengthen executive power in the hands of a single individual.

The stewardship theory, then, is the public expression of a political theory with three main elements: classical republican, progressive democratic, and statesmanship. It is the role of statesmanship that is crucial to Roosevelt's political theory, for it is the element that is capable of combining with the sometimes clashing republican and progressive elements to form a cohesive whole. As the element that cements the disparate elements together, it is statesmanship understood as leadership that is most evident in the



stewardship theory. The stewardship theory, then, is a public expression of a political theory of republican progressive statesmanship.

It is this political theory of republican progressive statesmanship that forms the foundation of what has come to be known as the modern presidency, first put into practice by Roosevelt himself during his presidency from 1901 to 1908. Therefore, to a greater extent than has been recognized, Theodore Roosevelt is the architect of both the theoretical and practical foundations of the modern presidency. The result has been to weaken and undermine the auxiliary precautions of the United States Constitution, primarily separation of powers, in order to enhance the power of the national government in general and the president in particular in the interest of efficient, progressive leadership and administration.

Through a serious analysis of his pre-presidential and presidential writings and orations, the political theory of Theodore Roosevelt reveals itself as a public articulation of his republican progressive statesmanship. This provides the foundation for the succinct summation of his political theory in the stewardship theory.

To Katie, Nathan, and Tyler

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## Chapter One

### Theodore Roosevelt as Political Thinker

Theodore Roosevelt was no less a man of letters than his more recognized contemporary Woodrow Wilson. Unlike Wilson, he did not write elegant works of systematic political theory, but chose history as his preferred field of scholarly endeavor. His serious works of history, though very respectable, do not systematically present the theory that supports his narrative plan. During his life he wrote or co-wrote thirty-nine books, numerous essays on a wide variety of subjects, something on the order of 150,000 letters, as well as eight volumes of collected presidential addresses and papers. This is a prodigious output by any standard, made all the more impressive by the fact that he was also working full time on his ranch in North Dakota or in some political office during the period in which he produced a considerable portion of this collection. Included among these works are two volumes of essays which he referred to as his “politico-social” thought<sup>1</sup> and his “philosophy of life.”<sup>2</sup> Together with his works of history and biography, this corpus comprises a significant collection of writings which address the political questions of his day as well as some of the major political questions in American history.

The task of reviewing this small selection of Roosevelt’s works in an attempt to gain some insight into the contours of Roosevelt’s political thought is similar to the task

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<sup>1</sup> Elting E. Morison, ed. The Letters of Theodore Roosevelt, in eight volumes (Cambridge, MA: Harvard University Press, 1951), I: 624-625. Hereafter cited as Letters. Roosevelt refers here to American Ideals.

<sup>2</sup> *Ibid.*, II: 1424. Roosevelt refers here to The Strenuous Life.

faced by those who choose to consider The Federalist seriously as something more than a collection of political tracts. Morton Gabriel White, in his book Philosophy, The Federalist, and the Constitution, has written regarding his own work on The Federalist, “my task in presenting the philosophy of The Federalist was peculiarly difficult because I sought to extract a philosophy from a work whose authors were not primarily concerned with advocating one.”<sup>3</sup> The philosophy of The Federalist, White argues, was underlying the text itself and was well enough understood at the time to require no forthright exposition of that philosophy in the work. In a similar way, the political theory of Theodore Roosevelt, if there is one to be found, must be found through careful examination of his writings, which were voluminous, for the clues to the underlying theoretic foundations of his thought. The work is made difficult by the fact that Roosevelt, like Publius, was engaged primarily in pursuing a practical political purpose through his writing. To assume, therefore, that Theodore Roosevelt was merely a bundle of contradictions, as so many apparently do, without a coherent view of what he was attempting to accomplish as he sat down to write, may perhaps be too hasty a judgment. This is especially true since his early writings have received nearly universal neglect, as we shall see in reviewing some of the pertinent literature on Roosevelt. It is possible that in the wake of this neglect, Roosevelt’s most direct and concise statement of political theory, the stewardship theory of the presidency, has been misunderstood in relation to his political thought as a whole. Is the stewardship theory supported by a more coherent foundation of political thought than has heretofore been recognized, and which may be

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<sup>3</sup> Morton Gabriel White, Philosophy, The Federalist, and the Constitution (New York: Oxford University Press, 1987), Preface.

discerned in Theodore Roosevelt's pre-presidential and presidential writings and speeches? This question, I assert, must be answered in the affirmative.

To assert that Theodore Roosevelt was devoid of some minimal political principles that made his writings and political actions somehow coherent is to make him at the very least the basest sort of Machiavellian political opportunist. But this possibility is discredited by the thoughtful, if passionate, defense of duty, morality, courage, common sense, intellect, practical assessment of political realities, and patriotism that is found throughout his writings and speeches. The fact that Roosevelt sought solutions to very real political and social problems of his time in no way discounts the possibility that he actually had thought deeply about the purpose and ends of government, and had developed a thoughtful and principled concept of what political course the United States ought to follow in attempting to deal with those problems. If nothing else, his rhetoric is shot through with principled argumentation which it behooves us to attempt to understand as he intended it to be understood.

Theodore Roosevelt articulated his stewardship theory of the presidency for the first time in print, under that name, in his Autobiography, published in 1913. By this time, though, the theory had been tested in actual practice during the eight years of Roosevelt's tenure as President of the United States, and had been under formulation from the earliest days of Roosevelt's political career. Indeed, the main principles of his theory are readily evident in his first annual address to Congress in 1901.<sup>4</sup> His very

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<sup>4</sup> Roosevelt uses the term stewardship to describe his activities as a Civil Service Commissioner in a speech delivered before the Boston Civil Service Reform Association on February 20, 1893. In this speech, several of the attributes of the stewardship theory come to light, including defiance of Congress, citizen involvement in government operations, publicity, and disinterestedness. The Works of Theodore Roosevelt,

definite opinions on the proper scope of the exercise of executive power came with him to the presidency rather than having been honed by the practical experience of occupying the office and dealing with the manifold responsibilities of the chief executive.<sup>5</sup> Not only did Roosevelt transform the traditional nineteenth-century character of the office, but he did so consciously and with considerable forethought.

The stewardship theory is important for many reasons. One of these is the success with which it has been applied by some of the presidents of the twentieth century who are considered by many to be among the best the country has had. The theory is important also because of the theoretical foundations that support it, which are often ignored because of lack of familiarity. Theodore Roosevelt is not considered to be a theorist, but rather a man of action. This is a true, but only half-true, assertion, for his action was based upon thoughtful consideration of the lessons of history, science, and practical politics in the United States, from which he developed a coherent political theory of progressive republican statesmanship which addressed the fundamental questions of reform that had come to the fore during his age.

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National Edition, Vol. XIV (New York: Charles Scribner's Sons, 1926), 156-168, especially 156, 167-168. Hereafter cited as Works.

<sup>5</sup> Some examples of Roosevelt's thoughts regarding executive power prior to his presidency can be found in chapter six of his biography of Gouverneur Morris, Gouverneur Morris, in The Works of Theodore Roosevelt, National Edition, (New York: Charles Scribner's Sons, 1926), VII: 336-337, especially 337 where he talks of the executive as a tribune of the people. See also his "The College Graduate and Public Life," in American Ideals, in The Works of Theodore Roosevelt, National Edition, (New York: Charles Scribner's Sons, 1926), XIII: 43, where he discusses the necessity of centering responsibility without moving to an English-style parliamentary system. In addition, his first major success as a New York state legislator was a bill strengthening the New York mayor at the expense of the city's aldermen. His views on the Civil Service Commission and the New York City Police Commission reflect similar views about the need for responsibility held in a single responsible person's hands. See also the first few pages of his first annual address to Congress, which captures the essence of his view of the presidency at that time, and which is followed in the remainder of the message by a long list of programmatic concerns.

This political theory is the foundation of Roosevelt's stewardship theory, and it is best summarized and expressed through the stewardship theory. It is arguably unfortunate for the reputation and success of Roosevelt's political thought that it was so soon challenged by an alternative theory of progressive reform, one lacking emphasis upon the sterner virtues and stated and presented more systematically, articulated by Woodrow Wilson. It is also arguably unfortunate that Roosevelt's political thought was so soon overshadowed, for it advocated and instilled an appreciation for a vigorous republican national character in American politics. As much as it may be desirable to lament the early passing of Roosevelt's political ideas, though, it must also be admitted that his ideas are closer to Wilson's than they are to the philosophy of the founding. It is also possible that the philosophy of the founding, with its emphasis upon strong institutional safeguards in support of popular government, may hold greater promise for dealing with the problems of self-government that arise in any age than would Roosevelt's philosophy as exemplified in the stewardship theory.

The stewardship theory, then, is important to understand in greater detail because it represents an underlying theoretical understanding that is richer than is typically acknowledged. It is important because, whether the theoretical foundations that underlay it were understood and accepted or not, it has been the dominant pattern for presidential practice in the twentieth century. It is important to understand because it is fundamentally at odds with the Constitution of the United States, and is the most visible expression of a philosophy that rejects the natural rights political philosophy of the Founding Fathers as expressed in the Declaration of Independence and the Constitution.



Finally, the stewardship theory is important because it also represents a philosophy of civic virtue that appears to be experiencing a rebirth a century later.

What, then, is the stewardship theory as stated in Roosevelt's Autobiography? In Roosevelt's own words

The most important factor in getting the right spirit in my Administration, next to the insistence upon courage, honesty, and a genuine democracy of desire to serve the plain people, was my insistence upon the theory that the executive power was limited only by specific restrictions and prohibitions appearing in the Constitution or imposed by the Congress under its Constitutional powers. My view was that every executive officer, and above all every executive officer in high position, was a steward of the people bound actively and affirmatively to do all he could for the people, and not to content himself with the negative merit of keeping his talents undamaged in a napkin. I declined to adopt the view that what was imperatively necessary for the Nation could not be done by the President unless he could find some specific authorization to do it. My belief was that it was not only his right but his duty to do anything that the needs of the Nation demanded unless such action was forbidden by the Constitution or by the laws. Under this interpretation of executive power I did and caused to be done many things not previously done by the President and the heads of the departments. I did not usurp power, but I did greatly broaden the use of executive power. In other words, I acted for the public welfare, I acted for the common well-being of all our people, whenever and in whatever manner was necessary, unless prevented by direct constitutional or legislative prohibition. I did not care a rap for the mere form and show of power; I cared immensely for the use that could be made of the substance.<sup>6</sup>

Roosevelt here makes the unusual argument that executive prerogative, unlike Locke's argument in the Second Treatise, would operate routinely in everyday practice rather than only during times of crisis. He also introduces a very distinct progression in his justification for the exercise of expansive power, from "what was imperatively necessary for the Nation," to "anything that the needs of the Nation demanded," and finally to the "public welfare" and "common well-being of all our people." This movement from

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<sup>6</sup> Theodore Roosevelt, An Autobiography, Works, XX: 347-348. Hereafter cited as Autobiography.

necessity toward desire as the justification for expanded government activity opened a considerable range of hitherto prohibited subjects to government involvement. By ignoring the Constitution as a statement of limited government with enumerated powers, and substituting a view of unlimited government constrained in certain narrow areas, Roosevelt exacerbates the difficulty addressed by Publius in The Federalist 23 and 25, that of making a Constitution of limited government strong enough to handle crisis without undermining liberty or necessitating constant recurrence to unconstitutional powers, by directly weakening the protection of liberty guaranteed by the institutional design of the Constitution.<sup>7</sup> It is also significant that in his statements on the stewardship theory Roosevelt does not use the provisions of Article Two of the Constitution to justify his assertion of novel or expansive presidential powers, which is a departure from the practice of Jackson and Lincoln, the presidents he uses as precedents.

He goes on further to elaborate his theory in reference to court decisions that upheld the expansive use of executive power.

As to action of this kind there have long been two schools of political thought, upheld with equal sincerity. The division has not normally been along political, but temperamental, lines. The course I followed, of regarding the executive as subject only to the people, and, under the Constitution, bound to serve the people affirmatively in cases where the Constitution does not explicitly forbid him to render the service, was substantially the course followed by both Andrew Jackson and Abraham Lincoln. Other honorable and well-meaning Presidents, such as James Buchanan, took the opposite and, as it seems to me, narrowly legalistic view that the President is the servant of Congress rather than of the people, and can do nothing, no

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<sup>7</sup> Alexander Hamilton, James Madison, and John Jay, The Federalist Papers, Introduction by Clinton Rossiter (New York: New American Library, 1961), No. 23, 153, and No. 25, 167. For the alternate view that prerogative can never be constitutionalized, see Robert Scigliano, "The President's 'Prerogative Power,'" in Inventing the American Presidency, ed. Thomas E. Cronin (Lawrence KS: University Press of Kansas, 1989), 236-256.

matter how necessary it be to act, unless the Constitution explicitly commands the action.<sup>8</sup>

It is instructive to compare Roosevelt's theory to the statements made under the pen name of Pacificus by Alexander Hamilton, with which it is sometimes compared.<sup>9</sup> In Pacificus number one, Hamilton clearly establishes a context within the purview of the Constitution rather than the extra-constitutional theory of Roosevelt's. The question at issue for Hamilton was whether President Washington's Proclamation of Neutrality of April 22, 1793 was properly considered to be an executive power under the authority of the Constitution. Among the limitations to executive power that Hamilton recognizes in his argument are the following: it must be within his constitutional authority and duty; it must be in regard to a power clearly the responsibility of the national government; it must be interpreted to be in conformity with other constitutional provisions, as well as the principles of free government; and it must be subject to the exceptions and qualifications to executive power contained in the Constitution. Clearly, Hamilton's statements do not convey the same sense of *carte blanche* that Roosevelt asserts are the prerogative of the executive.<sup>10</sup>

These short statements of Roosevelt's stewardship theory contain within them a wealth of information regarding the author's understanding of executive power, its source of authority, its historical application by previous presidents, its relation to both

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<sup>8</sup> Autobiography, XX: 352-353.

<sup>9</sup> Sidney M. Milkis and Michael Nelson The American Presidency: Origins and Development, 1776-1990 (Washington, DC: CQ Press, 1990), 193.

<sup>10</sup> Alexander Hamilton, "Pacificus No. 1," in Selected Writings and Speeches of Alexander Hamilton, ed. Morton J. Frisch (Washington, DC: American Enterprise Institute, 1985), 398-400.

the people and the Constitution, and its role in achieving the ends of government. These statements also include a particular and peculiar notion of the ends of government, consisting primarily of the general welfare measured in terms of material prosperity,<sup>11</sup> which it is the special responsibility of the executive to fulfill, and which re-orders the more comprehensive statement of government ends contained in the preamble to the Constitution. Roosevelt's view of the end of government as the general welfare, guaranteed by the executive, can only exist outside the constitutional framework. Any defense of his argument taken from the definition of ends in the preamble must necessarily apply also to each of the other branches, and would have to address each of the other ends as well. If one seeks to defend his argument by using the reference to the general welfare in Article I section 8, one must somehow justify executive intrusion into the legislative sphere as well as somehow attempt to divorce the phrase from the enumeration of legitimate powers contained in the remainder of that section. James Madison presented a persuasive argument against any expansive interpretation of the general welfare clause in his "Report on the Virginia Resolutions," arguing that the general welfare clause was limited by the following enumeration of powers in Article I, section 8. Madison spoke from the perspective of one intimately involved in the several

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<sup>11</sup> "The true welfare of the nation is indissolubly bound up with the welfare of the farmer and the wage-worker - of the man who tills the soil, and of the mechanic, the handicraftsman, the laborer. If we can insure the prosperity of these two classes we need not trouble ourselves about the prosperity of the rest, for that will follow as a matter of course." "The Two Americas," Works, XIII: 448. This captures the unique character of Roosevelt's view of the general welfare, and in addition intimates the importance of material prosperity for measuring the general welfare in the absence of defined ends of government in a progressive era.

stages of the institution of the Constitution, as well as one familiar with rules for interpreting such legal material.<sup>12</sup>

Finally, in these two statements on the character of presidential power Roosevelt may define extremes, between which there may be a middle ground more in accord with the ideas of the founding. The first statement appears to bring royal prerogative into the day to day operations of the United States government in the person of the executive, rather than making it an extraordinary use of power to cope with emergencies. The second statement limits the opposition to the narrowest possible scope, and treats their thought unfairly, associating them in an unflattering way with traditionally Whig views of executive power as completely subordinate to the legislative power.<sup>13</sup>

Of the points enumerated and elaborated upon above regarding the importance of the stewardship theory, then, the extent to which the stewardship theory and its underlying philosophy appear to erode the institutional safeguards of the Constitution presents the most serious challenge. One can imagine strong, energetic executives and virtuous citizens and officeholders not only existing within the constitutional system, but also contributing to its success. But the erosion of the institutional structure established by the Constitution weakens the overall system by weakening the auxiliary constitutional

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<sup>12</sup> "Report on the Virginia Resolutions," in The Mind of the Founder, ed. Marvin Meyers (Hanover: Brandeis University Press, 1981), 237-243.

<sup>13</sup> While Roosevelt's definition of the Buchanan-Taft school of executive power could possibly be equated with executive power under the Articles of Confederation, it is difficult to see how either Buchanan or Taft would fit this definition. Joseph M. Bessette and Jeffrey Tulis have pointed out that even the so-called weak presidents, including James Buchanan, have consistently fought to maintain the independent status of the office instituted in the Constitution. "The Constitution, Politics, and the Presidency," in The Presidency in the Constitutional Order (Baton Rouge: Louisiana State University Press, 1981), 13-15. As will be shown, Roosevelt himself is indebted to Whig political philosophy in many ways, particularly the later Whig political philosophy expounded by such men as Thomas Babington Macaulay.

precautions such as separation of powers and legislative checks and balances, placing greater responsibility not only upon the executive, but all other government officers as well, and creating a situation in which virtue becomes not a benefit to be sought in officeholders and citizens alike, but rather a requirement for the very survival of the political system. Thus, Roosevelt's philosophy, insofar as it seeks an alteration of the existing constitutional arrangement, places that constitutional arrangement at risk. This institutional structure is further weakened by the expansion of the national government into areas traditionally reserved for private or state action, and especially by the increased power from such expansion being centered in the executive branch at the expense of the other branches, in most instances.

The question of constitutional alteration is therefore of central importance to an understanding of the lasting significance of the stewardship theory, and this theory proposes many alterations to the existing constitutional arrangement. Roosevelt's theory declares the welfare of the people, understood primarily in material terms, to be the great end of government. He claims to be introducing nothing new, but rather to be acting in accordance with the precedent of Andrew Jackson and Abraham Lincoln. Yet Roosevelt's positive assertions of power during the routine of daily governing, to achieve traditionally private ends, ranged far beyond those of Jackson and Lincoln which typically were in the character of limiting another branch, or government in general, from overreaching constitutional limitations, except in cases of direct threat to the legitimacy of the national government itself. His declaration of presidential freedom of action undermines the system of separated powers articulated in the Constitution. His practice

of building direct links to the people works to undermine the institutional sources of deliberation established in the Constitution by allowing him to circumvent congressional involvement in many of his executive initiatives. His understanding of the progressive character of modern political life resulting from improvements in modern science and modern living conditions supports a body of political thought that challenges the philosophy of natural rights that is central to the founding of the United States, and thus undermines the very notion of a Constitution established to secure limited ends.<sup>14</sup> This understanding of progress requires nearly unlimited freedom of action for the statesman to lead the nation into the glorious future promised by progressive science and politics, or failing in that task, to preside over the inevitable decline which results from failure to progress in strength and vigor in a competitive world. Finally, Roosevelt's philosophy relies upon an understanding of republican government, resting upon a requirement for civic virtue as the primary means of preserving the regime, which was rejected by the founders as being impractical, especially in a large commercial republic.<sup>15</sup>

The stewardship theory, then, is the public expression of Roosevelt's understanding of statesmanship which occupies the position of keystone in Roosevelt's political thought. It holds together, and makes a coherent whole of the sometimes clashing elements of classic republicanism, represented in Roosevelt's demand for civic virtue, and progressive democracy, based in Darwinian science. It does this by providing a leader who is deserving of the popular support necessary to republican government

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<sup>14</sup> This topic will be more fully addressed in Chapter Four.

<sup>15</sup> Roosevelt's argument regarding the necessity of civic virtue will be addressed more fully in Chapter Three.

because he embodies the virtue necessary to statesmanship, while at the same time being courageous enough to lead the country confidently into a glorious future of progressive improvement. It is my contention that these elements do form a more coherent whole than has been acknowledged by scholars of the progressive era and of the presidency. It is the goal of this dissertation to explore these elements of Theodore Roosevelt's political philosophy, as articulated by him in his pre-presidential writings and as practiced by him as President of the United States, in order to more fully understand the profound influence Theodore Roosevelt has had upon subsequent thought about the presidency and upon practice in the office of the Presidency.

Prior to assuming the office of president, Roosevelt had held an array of elective and appointive positions in municipal, state, and national government. In addition to this experience, he was also the author of several books and numerous essays. These publications ranged across a broad spectrum of topics, from politics to history, hunting, and ranch life. He wrote three biographies of statesmen: Senator Thomas Hart Benton, Gouverneur Morris, and Oliver Cromwell. His historical works include a history of the naval war in 1812, a multi-volume work on the expansion of the United States into the western lands, a history of New York city, and an account of his experience as a leader of the Rough Riders in the Spanish-American War. He wrote two separate volumes on hunting and ranch life in the west. He also published two volumes of collected essays: American Ideals and The Strenuous Life which contain many relatively concise, albeit repetitive, statements of the main elements of his political thought. All of this, and more, was produced before assuming the presidency. We find, in these works, evidence for the



argument that Roosevelt did not enter the presidency as merely a strong personality that found in the presidency room for his personality to assert itself. Rather we find strong and definite views on the character of executive power, elaborated consistently over a period of time.

Scholarship on Theodore Roosevelt has tended to focus on the political and ideological questions of just how progressive in character was Roosevelt's presidency, and upon his joy in the use of power. The complex and multifaceted character of Roosevelt's personality is often considered the primary explanation of the man, since his actions and his thought are often presented as internally inconsistent. The progressive apologist Richard Hofstadter captures this view well in the treatment of Roosevelt in his popular history, The American Political Tradition.<sup>16</sup> Roosevelt's pugnacious personality is attributed to the psychological effects of childhood illness and weakness, resulting in an overly aggressive appreciation of the sterner virtues.<sup>17</sup> His writings, Hofstadter describes as "a tissue of philistine conventionalities, the intellectual fiber of a muscular and combative Polonius."<sup>18</sup> And, despite a record of more than 20 years' progressive political involvement prior to his presidency that Hofstadter himself briefly documents, he castigates Roosevelt as a conservative insufficiently attached by sentiment to the progressive reforms he championed.<sup>19</sup>

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<sup>16</sup> Richard Hofstadter, The American Political Tradition (New York: Vintage Books, 1948), 206-237.

<sup>17</sup> *Ibid.*, 209-213.

<sup>18</sup> *Ibid.*, 229.

<sup>19</sup> *Ibid.*, 225, 228, 230, 232.

Little attention is generally paid to his pre-presidential writings. Little attention is paid to the constitutional character of his thought or his actions. And little attention is paid to his understanding of republican government except as it impinges upon progressive notions of democracy. Thus, what unifying elements there may be in his thought and action are most often ignored by those who study Roosevelt, perhaps due to a not altogether justified adherence to progressive notions of history and constitutional development. Even so, as I have stated above, these elements of Roosevelt's thought may appear to be incompatible with one another without the key of his views on statesmanship to hold them together. Since his views on executive power have been more closely analyzed than other elements of his thought, it is intriguing that so little analysis of the other elements of his thought has been done with an eye to pursuing the possibility that there may have been greater coherence than previously thought. If this is the case, then Roosevelt's pattern of presidential leadership may be less personal than some suppose and more universally applicable to other politicians who can adapt their own vision to Roosevelt's style of statesmanship.<sup>20</sup>

Of Roosevelt's biographers, clearly the best and most thoughtful, though only covering the period of his development and rise, are Theodore Roosevelt: The Formative Years, 1858-1886 by Carleton Putnam<sup>21</sup>, and The Rise of Theodore Roosevelt by Edmund Morris<sup>22</sup>. Putnam and Morris alone seem to grasp something of the depth and

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<sup>20</sup> Jeffrey Tulis, The Rhetorical Presidency (Princeton: Princeton University Press, 1987), 97.

<sup>21</sup> Carleton Putnam, Theodore Roosevelt: The Formative Years, 1858-1886 (New York: Charles Scribner's Sons, 1958).

<sup>22</sup> Edmund Morris, The Rise of Theodore Roosevelt, (New York: Coward, McCann & Geoghegan, Inc., 1979).

importance of Roosevelt's thought as expressed in his literary endeavors. Putnam, whose intended multi-volume biography was never completed, addresses only Roosevelt's earliest works, Naval War of 1812 and Thomas Hart Benton, and discusses briefly Roosevelt's plans for his monumental history of the settlement of the western regions of the country, The Winning of the West. Morris, whose work covers Roosevelt's life until he assumes the presidency, treats Roosevelt's book length efforts with respect, even if with reservations. Roosevelt's essays, however, come in for harsh criticism for being repetitious and tedious reading.<sup>23</sup> Despite Morris's unfavorable review of Roosevelt's essays, these two authors take seriously Roosevelt's major works as the product of a serious and dedicated, if at times flawed, scholarship. Further, both of these men find these works to form a largely coherent body of civic and political thought within the philosophy of Americanism which Roosevelt preached.

It is the rhetorical element of this preaching that Putnam understands better than Morris, for Putnam regards this preaching to be part and parcel of Roosevelt's philosophy, and a particularly vital part of his philosophy of leadership. Leadership for Roosevelt meant, according to Putnam, not merely being out in front of public opinion,

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<sup>23</sup> "Roosevelt spent much of his time during the years 1893-95 formulating theories of Americanism, partly under the influence of Turner [Frederick Jackson], but mostly under the influence of his own avidly eclectic reading. Gradually the theories coalesced into a philosophy embracing practically every aspect of American life, from warfare to wild flowers. He began to publish patriotic articles with titles like 'What Americanism Means,' and continued to write such pieces, with undiminished fervor, for the rest of his life. In addition he preached the gospel of Americanism, ad nauseam, at every public or private opportunity. Ninety-nine percent of the millions of words he thus poured out are sterile, banal, and so droningly repetitive as to defeat the most dedicated researcher." Morris, 467. For an alternate viewpoint on Roosevelt's intent in writing in a simple fashion with much repetition in order "to hammer and hammer away" at "the infinite capacity of the human mind to withstand the introduction of knowledge", see Hermann Hagedorn, "Editor's Introduction," The Works of Theodore Roosevelt, Memorial Edition, vol. XV (New York: Charles Scribner's Sons, 1925), ix-x.

but rather being an educator of public opinion.<sup>24</sup> Leadership, in this case, is a poor choice of words which does not convey the depth and richness of what should more accurately be described as a philosophy of statesmanship. Roosevelt's statesmanship was informed by his morality and his intellect, in that order, and it was incumbent upon him, according to this philosophy, not only to live a moral life, but also to use his capacities to educate others to the profound benefits and righteousness of the moral life, not only for the individual but for the nation as well. His was not, however, an aristocratic or oligarchic theory, but very much a republican theory of popular government, grounded primarily in periodic elections which foster and maintain a sense of responsibility to the people in the statesman.

It is this element of republican statesmanship that eludes so many of Roosevelt's biographers. Roosevelt's personal morality is acknowledged, but his preaching is discounted as mere rhetoric, without a clear understanding that this preaching has sound and deliberate philosophical foundations to support it. Roosevelt, then, is viewed as a strong personality with somewhat quirky, Victorian morals that are merely a holdover from a prior, outdated age. Henry F. Pringle, following the psychological argument, therefore describes Roosevelt's life as a "wholly novel" geometric pattern, "a polygon with so many facets that their number approached infinity."<sup>25</sup> In his later, revised edition,

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<sup>24</sup> Putnam, 601-2.

<sup>25</sup> Henry F. Pringle, Theodore Roosevelt (New York: Harcourt, Brace and Company, 1931), vii. A recent work picks up this analogy and enlarges upon it in its very title and organization. Natalie A. Naylor, Douglas Brinkley, and John Allen Gable, eds., Theodore Roosevelt: Many-Sided American (Interlaken, NY: Heart of the Lakes Publishing, 1992). Note also the title of Chapter One, written by Edmund Morris, "Theodore Roosevelt, The Polygon."

Pringle maintains the polygon analogy, and asserts that “The book still attempts to tell the whole story of an extraordinarily full life.”<sup>26</sup> William Henry Harbaugh, portraying Roosevelt as the representative of an outdated historical age, tries “to keep Roosevelt in the context of his age while yet exercising the historian’s heavy and sobering responsibility of judging his subject’s deeds in the perspective of the time.”<sup>27</sup> David McCullough identifies his underlying theme as

the creative effort, the testing and struggle, the elements of chance and inspiration involved in any great human achievement. The book would end when I thought he was formed as a person, at whatever age that happened, when I felt I could say, when the reader could say, there he is.<sup>28</sup>

McCullough implicitly asserts, by his choice to end his biography at the year 1886, that Roosevelt’s life and thought did have a coherence of thought, though his book is not enlightening about just what that coherence might be. Pringle and Harbaugh at heart represent the progressive school of history, and therefore may argue between themselves about the validity of Roosevelt’s progressive credentials, but they are also an unenlightening source for explaining Roosevelt in any philosophically coherent sense, other than as an historical artifact of his age.

From John Morton Blum, *The Republican Roosevelt*,<sup>29</sup> a slightly different portrait emerges. Here is Theodore Roosevelt as the unabashed power seeker. He argues that “as

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<sup>26</sup> Henry F. Pringle, *Theodore Roosevelt* (New York: Harcourt, Brace and Company, 1956), vii.

<sup>27</sup> William Henry Harbaugh, *The Life and Times of Theodore Roosevelt*, New Revised Edition (New York: Collier Books, 1963), 5.

<sup>28</sup> David McCullough, *Mornings on Horseback* (New York: Simon and Schuster, 1981), 10.

<sup>29</sup> John Morton Blum, *The Republican Roosevelt*, Second Edition (Cambridge, MA: Harvard University Press, 1977).

much as Roosevelt believed in power, he also believed in restraint, though he did not always exercise it.”<sup>30</sup> For Blum, Roosevelt’s great failing was this failure to exercise restraint, “*Hubris* conquered”<sup>31</sup> him, and “that passionate tension pursuing power never quite controlled itself.”<sup>32</sup> The power was necessary, Blum asserts, to enforce order upon a changing industrial society, but that the concept of order may have held some significant philosophical meaning to Roosevelt is left without investigation. Blum assumes, along with the progressive historians, that Roosevelt perceived order as necessary to protect industry, commerce, and wealth while at the same time bringing them under government control. The thought that Roosevelt may have had something other than ulterior political or partisan motives does not appear to have been seriously entertained by Blum.

David H. Burton,<sup>33</sup> who classifies his own work on Roosevelt “as an intellectual biography,”<sup>34</sup> comes close to the mark in asserting “There has been on the part of some of the most perceptive students of the American experience a refusal to take him

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<sup>30</sup> Ibid., xi. This comment is ironically noteworthy because of Roosevelt’s own comments on his Oliver Cromwell written to his publisher. “I have tried to show Cromwell, not only as one of the great generals of all time, but as a great statesman who on the whole did a marvellous work, and who, where he failed, failed because he lacked the power of self-repression possessed by Washington and Lincoln. I have become thoroughly interested with my subject. The more I have studied Cromwell, the more I have grown to admire him, and yet the more I have felt that his making himself a dictator was unnecessary and destroyed the possibility of making the effects of that particular revolution permanent.” Elting E. Morison, ed. The Letters of Theodore Roosevelt, vol. 2. (Cambridge, MA: Harvard University Press, 1951), 1047.

<sup>31</sup> Ibid., 143.

<sup>32</sup> Ibid., 160.

<sup>33</sup> David H. Burton, Theodore Roosevelt (New York: Twayne Publishers, Inc., 1972).

<sup>34</sup> David H. Burton, “The Learned Presidency: Roosevelt, Taft, Wilson,” Presidential Studies Quarterly (Spring, 1985): 486-499.

[Roosevelt] seriously as a political thinker.”<sup>35</sup> Burton describes Roosevelt’s philosophy as “the result of his deliberations on man in society, and especially man in history,” but that its very commonness at the time robs it of apparent significance.<sup>36</sup> Yet Burton also describes the Rooseveltian ethic in the following terms:

His calculations, in a word, revealed a mind that was eclectic, deriving its distinction from the ethical and political legacies of the Western Christian tradition, from a feeling for the practical, from the American idea of mission, the social gospel of nineteenth-century Protestantism, and finally from the application of Darwinist concepts of society. The result was an unavoidable state of tension, of ideological stress, simply because values and principles Roosevelt subscribed to could be and frequently were sharply antithetical. He managed to compose these variegated and potentially disruptive concepts into a harmonious unity by what he referred to as *character*.<sup>37</sup>

Burton’s assessment is important, and he captures a side of Roosevelt that other biographers do not, yet Burton’s identification of character as the unifying element in Roosevelt’s philosophy appears to diminish Roosevelt’s own emphasis upon statesmanship, which includes character, as the unifying element necessary to combine popular government with enlightened scientific and progressive leadership.

For each of these biographers, except as noted for Putnam, Morris and Burton above, the notion that an underlying understanding of political principle may have motivated Roosevelt seems to be rejected as a possibility out of hand. This holds true for other biographers as well, including the most recent biography by Nathan Miller. Miller characterizes Roosevelt as “a walking bundle of contradictions,” but he also, perhaps

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<sup>35</sup> Burton, Theodore Roosevelt, 20.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid., 18.

unwittingly, captures the essence of Roosevelt and his mission when he states that "Roosevelt's greatness lies in the fact that he was essentially a moral man in a world that has increasingly regarded morality as superfluous," but nevertheless was a man who "realized, as few of our leaders since have done, that the most important task facing any political leader is to educate the public"<sup>38</sup> The view of these scholars that morality and principle are essentially individual and personal, and therefore of little political significance, leads them to discount the teaching of public morality that is central to Roosevelt's philosophy and his conception of popular government and the conditions necessary to its preservation.

Political scientists have shown no more of a tendency than the historians to look to Theodore Roosevelt for the theoretical foundations of the modern presidency. They opt instead to view Roosevelt as an anomaly who put into practice certain of the attributes of the modern presidency without benefit of a theoretical foundation, and who did this before those foundations were laid and solidified by Woodrow Wilson. A review of some of the most important recent works in political science that address the presidency of Theodore Roosevelt is called for. The narrow focus of the subjects addressed by some of these works may explain some of the neglect of Roosevelt. The relative success of Woodrow Wilson, compared to Roosevelt, in openly advancing a

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<sup>38</sup> Nathan Miller, *Theodore Roosevelt: A Life* (New York: William Morrow and Company, Inc., 1992), 10. Principle and morality are treated by Roosevelt's biographers as essentially personal and private, whereas for Roosevelt they are essentially public and political, and it would appear that this element of Roosevelt's character is necessary to a fuller understanding of Roosevelt's political mission as evidenced in his thought, as expressed in his writings, as well as his action in office. This failure of Roosevelt's biographers to perceive the importance of political principle does, however, have its own analogue in Roosevelt's thought, evidenced by his failure to distinguish those principles at work in the formation of the United States Constitution that take it out of the main current of Anglo-Saxon constitutional development and establish a separate and distinct course of its own.



theoretical agenda may account for some other portion of neglect. Nonetheless, neither of these explanations justifies the tendency to attribute a lack of theoretical foundation to the thought of Theodore Roosevelt. The fact that none of these works looks closely at the pre-presidential writings of Theodore Roosevelt leaves these writers with the tendency to wonder at Roosevelt's exercise of power during his presidency.

Jeffrey Tulis, though his focus is primarily upon presidential rhetorical practices, provides the clearest and most direct analysis of Theodore Roosevelt's constitutional philosophy, and in this analysis captures something of the republican and progressive character of Roosevelt's political philosophy. Tulis describes Roosevelt's constitutional policy as an attempt to articulate "the essential objects and most general principles of the Constitution" in order that "specific constitutional prescriptions could be altered or abandoned as a matter of constitutional fidelity."<sup>39</sup> A constitution, though, in Roosevelt's thought is not a permanent statement of ends and means<sup>40</sup> by which to govern a country throughout the ages, but rather the evolutionary embodiment of the political processes by which a civilized people govern themselves. In this sense, it is not the constitution which establishes or founds a republican government, but rather the republican character of the American people, stretching back to the Teutonic woods, that enables the expression of that character in a written constitution, a constitution which must be changed from time to time to keep pace with the inevitable change that accompanies progress in a healthy civilized society. Thus Tulis captures the essence of Roosevelt's political philosophy, but

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<sup>39</sup> Jeffrey Tulis, The Rhetorical Presidency (Princeton: Princeton University Press, 1987), 110.

<sup>40</sup> Paul Eidelberg, The Philosophy of the American Constitution (New York: The Free Press, 1968), 29.

attributes to it an attachment to the forms and formalities of the American Constitution which is simply not there.<sup>41</sup>

Tulis characterizes Roosevelt's statesmanship as a "middle way,"<sup>42</sup> but Roosevelt's views on constitutionalism appear on their face to be a fundamental alteration of the American Constitution. As such, those views are fully entitled to a large measure of the credit for creating a reinterpretation of the original Constitution which Tulis credits to Wilson. Roosevelt, while perhaps representing a middle way between the rhetorical practices of presidents during the nineteenth and presidents during the twentieth century, interprets the Constitution in terms of a middle class republic similar to the regimes Aristotle describes in his Politics, and therefore he strives ever to strengthen the middle against the perceived onslaughts from the extremes.<sup>43</sup> Such a

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<sup>41</sup> Roosevelt's evolutionary view of the development of Anglo-Saxon constitutionalism is most concisely stated in the first chapter of his The Winning of the West. The character of civilized nations is addressed by Roosevelt throughout his works, but is succinctly stated in his review of Benjamin Kidd's book Social Evolution, in an essay of the same name collected in Roosevelt's book American Ideals. Roosevelt described the Constitution in his early works as the product of compromise on numerous issues between clashing interests. "The difficulties for the convention to surmount seemed insuperable; on almost every question that came up, there were clashing interests. Strong government and weak government, pure democracy or a modified aristocracy, small States and large States, North and South, slavery and freedom, agricultural sections as against commercial sections - on each of twenty points the delegates split into hostile camps, that could only be reconciled by concessions from both sides. The Constitution was not one compromise; it was a bundle of compromises, all needful." Gouverneur Morris, Works, VII: 329, (1888). "No student of American history needs to be reminded that the Constitution itself is a bundle of compromises, and was adopted only because of this fact, and that the same thing is true of the Emancipation Proclamation." "The College Graduate and Public Life," American Ideals, Works, XIII: 46, (1894). Roosevelt may have been the first to use the phrase "bundle of compromises" in reference to the Constitution. Max Farrand, The Framing of the Constitution of the United States (New Haven: Yale University Press, 1913), 201, to whom the phrase is usually attributed, wrote in 1913 and enclosed the phrase in quotation marks at that time. Roosevelt in his later writings stated that he "believed that the Constitution should be treated as the greatest document ever devised by the wit of man to aid a people in exercising every power necessary for its own betterment, and not as a straitjacket cunningly fashioned to strangle growth," Autobiography, XX: 376.

<sup>42</sup> Tulis, 95.

<sup>43</sup> For an example of Roosevelt's understanding of the American republic, see his speech "At the Banquet of the Iroquois Club, Chicago, Ill., May 10, 1905," in Presidential Addresses and State Papers, Vol. IV (New York: Review of Reviews Company, 1910), 372.

reinterpretation, which Tulis describes as a layered text overlaying the original instrument, Tulis credits to Woodrow Wilson. While Wilson may represent a fundamental change in terms of the constitutional practice of presidential rhetoric,<sup>44</sup> much of the groundwork for an informal reinterpretation of the Constitution was already solidly laid by the thought and practice of Theodore Roosevelt. Tulis, then, while granting greater credit to Roosevelt, still views Roosevelt fundamentally as a precursor to Wilson, and without a coherent philosophy of his own. Tulis does, however, illuminate a profound difference between Roosevelt and Wilson. His discussion of Roosevelt's statesmanship, especially when confronted by what Roosevelt considered a "regime-level"<sup>45</sup> question highlights Roosevelt's fears regarding the capacity of the people for self-government. Maintaining republican government requires not merely staying abreast of the spirit of the times, but also maintaining a broad and stable middle class, preserved by the strengthening effects of adherence to the vigorous virtues at both the national and individual level.<sup>46</sup> For Roosevelt, retrogression is as likely a possibility as progress,

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<sup>44</sup> Joseph M. Bessette casts doubt on whether Wilson can even be considered the fundamental influence on the change in presidential rhetoric. He finds Tulis's description of Roosevelt's reserve in engaging in public rhetorical persuasion on the eve of congressional deliberations and voting to be unpersuasive, for the rhetorical damage is already done in terms of reducing the deliberations and the votes to a referendum based on public pressure brought to bear by the president rather than the substantive merits of the issue. *The Mild Voice of Reason* (Chicago: The University of Chicago Press, 1994), 204.

<sup>45</sup> Ibid., 102.

<sup>46</sup> The virtue that Roosevelt advocates aims more for survival and preservation. The argument for virtue, though similar to Aristotelian arguments, represents more of an attempt to merge Aristotle with the new natural science represented by Darwin. The virtuous individual or nation, then, is the one with the demonstrated attributes worthy of survival in a competitive world. The element of choice also enters, since humans have the demonstrated capacity to choose, they can choose to pursue those "virtues" or not, thus possibly affecting their chances of survival.

according to biological laws that apply equally to physical and social organisms, such as the State.<sup>47</sup>

In his book, The President and the Parties, Sidney Milkis addresses the change in the exercise of presidential power from the nineteenth to the twentieth century through the lens of the two political parties. From this perspective he, as so many others have done, prefers Woodrow Wilson to Theodore Roosevelt, since "Wilson's criticism of the American party system was linked to constitutional criticism."<sup>48</sup> Wilson openly advocated overturning the auxiliary precautions contained in the Constitution, such as separation of powers, in order to make the political system more democratic. Roosevelt, according to Milkis, has no similar overt agenda, but merely "a broad understanding of the president's constitutional powers."<sup>49</sup> Consequently, Roosevelt's failure to seize control of the party machinery and to put the party in the service of the bully pulpit resulted in Roosevelt later being stymied by the inconvenient exercise by Congress of its constitutional powers and duties. Roosevelt, according to this conventional treatment, therefore, must not have had a theory equivalent to Wilson's for overcoming the inconveniences of the formal Constitution.<sup>50</sup> Milkis also, as do so many others, neglects

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<sup>47</sup> Roosevelt's views on the perpetuation of self-government and progress versus regress will be addressed in chapters three and four.

<sup>48</sup> Sidney M. Milkis, The President and the Parties: The Transformation of the American Party System Since the New Deal (New York: Oxford University Press, 1993), 26.

<sup>49</sup> *Ibid.*, 27. This interpretation of Roosevelt puts him much closer to the founders than is deserved by the character of Roosevelt's thought.

<sup>50</sup> Milkis himself later admits to Wilson's own failure to completely consolidate his new vision of the role of party in American politics. It is ironic that Wilson failed in his advocacy for the League of Nations, despite his supposedly superior theory, due to the same constitutional inconvenience as Roosevelt, congressional intransigence. It is also interesting to note the similarities in non-partisanship between Roosevelt and the original intentions of the founders. Roosevelt's non-partisanship was one of

or dismisses the pre-presidential writings of Theodore Roosevelt. Were he more familiar with this body of work, he might discover that far from viewing popular rhetoric as an “occasional means for defending specific pieces of legislation,”<sup>51</sup> Roosevelt had produced a considerable body of popular rhetoric prior to assuming the presidency in which his views on parties, administration, the Constitution, and government in general were articulated in a political theory fundamentally dependent, I will argue, upon civic virtue, scientific progress, and virtuous leadership.<sup>52</sup> Parties, then, are less necessary to the statesman in pursuit of good government, because good men can administer government efficiently regardless of party affiliation, and good men of either party will support sound policies in pursuit of good government. This is not to say that Roosevelt was non-partisan in his politics. He always championed the Republican Party as the party of Union, and therefore the more responsible party. But on policy issues he was perfectly willing to take his support where he found it. Roosevelt did not try, as the founders did, to remove partisanship from politics, but tried to remove politics from administration of the government. Though their methods were different, their goals were similar in trying to place worthy characters in responsible government positions. From the perspective of

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administration rather than politics, but in administration it shared much the same emphasis on worthy character as did the founders’ non-partisanship.

<sup>51</sup> Milkis, 29.

<sup>52</sup> Theodore Roosevelt represents a view of leadership, I will argue in Chapter Five, that requires virtue in the leader in order that he may work to instill virtue in the people and thus they can together be worthy of achieving and maintaining a top rank in the world. Woodrow Wilson is typically associated with the notion of visionary leadership which requires more of an understanding of the direction of history and where it is trending for the future so the leader can keep the people in tune with the spirit of the times. Rather than this difference between the two representing a realist versus idealist split, both are very idealistic, though Roosevelt is more nationalistic and pragmatic in the pursuit of his idealistic goals.

the framers of the Constitution, then, Roosevelt's non-partisan perspective is somewhat less critical of the constitutional order than is Wilson's, and is based on theoretical foundations of its own, but is less defiantly stated. Roosevelt's critique must be teased out of his historical writings and his political rhetoric, which was aimed with a view to educating and shaping the citizen body, rather than neatly extracted from a theoretical academic treatise aimed at a more academic audience.

Another political scientist, Stephen Skowronek, treats Theodore Roosevelt to a favored place in his elaborate theoretical treatise The Politics Presidents Make.<sup>53</sup> Roosevelt, according to Skowronek, is the articulator of an existing regime, which is to say that he is a faithful son of the Republican Party, the majority party since the previous political realignment. Skowronek adds layers of obscurity to the existing theories about the significance of political realignments, primarily, it appears, in order to remove the political as far from view as possible and to replace it in the forefront with his notion of progressive historicism, which he terms secular time. He further degrades the political by designating the rise and fall of parties (regimes in his language) as occurring in political time, each following a determined pattern of rise, decay, and fall. Skowronek manages by these devices to obscure the Constitution almost completely<sup>54</sup> and to discard the notion of

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<sup>53</sup> Stephen Skowronek, The Politics Presidents Make: Leadership from John Adams to George Bush (Cambridge, MA: The Belknap Press, 1993).

<sup>54</sup> His view is that the Constitution provides the "persistent pattern," or the institutional shell into which life is breathed by the reigning political party, the "recurrent pattern," and the level of organizational or historical development, the "emergent pattern," Ibid., 9-10. For Skowronek, the important thing is his own theory, not the possibility that statesmen may have or articulate a theory themselves. His purpose is not to understand them as they understood themselves, but to understand them as objective history sees them, that is as the historical process of progress sees them.

a modern presidency.<sup>55</sup> Roosevelt's role in this scheme is that of protector of the existing "regime," but more than that, Roosevelt occupies a particularly important place because he attempts to usher the "regime" into the modern age. Roosevelt's presidency stands at the beginning of the pluralistic era of societal organization, the United States having progressed from the more primitive patrician and partisan eras that preceded it.<sup>56</sup> In this belief, Skowronek's thought actually resembles Roosevelt's view of socially progressive constitutional development. Though Roosevelt does not occupy a place of supreme importance because he does not represent a new partisan alignment, he is nonetheless important because of his work in the service of historical progress. Roosevelt is a creature of the historical forces, both in secular and political time, of his era, and he does not, therefore represent a philosophy separate from these influences. What Skowronek does is to discount the power of the ideas Roosevelt expressed in his writings that Skowronek did read.

In The Myth of the Modern Presidency, David Nichols offers a more interesting treatment, in that he, like Tulis, takes Roosevelt's ideas more seriously, and he also entertains the possibility that Roosevelt did have a coherent philosophy underlying his political action. He asserts that "Theodore Roosevelt does provide a succinct theoretical defense of unilateral presidential action in his 'stewardship theory,'" but he goes on to

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<sup>55</sup> Ibid., 4-8. The concept of a modern presidency requires an understanding of constitutions that sees them as retaining significance over time beyond mere structure. This is a view that Skowronek quite apparently does not hold.

<sup>56</sup> Ibid., 52-55. It is in this secular time line that Skowronek's historicism is displayed. This time line is, for him, the truly important one along which society progresses from primitive to advanced stages of organization. Democratization as a process is the root of such progress.

disappoint when he observes "It was, however, Theodore Roosevelt's political practice even more than his political theories that helped to shape the modern presidency."<sup>57</sup>

Nichols, like the others, has neglected the pre-presidential writings of Theodore Roosevelt, from which one might more firmly assert that his political practice was the expression of thoughtfully considered political ideas. He severs Roosevelt's ideas from his practice. Nichols, as is evident from the title of his book, denies, as does Skowronek, the existence of a "modern presidency" that differs in fundamental ways from traditional nineteenth century presidential practice. The strong, administrative, popular presidency has existed from the beginning, according to Nichols, originating in the deliberations on the executive during the Constitutional Convention.

In many ways Nichols follows in the footsteps of Theodore Roosevelt's own constitutional thought. Both men attempt to reconcile divergent sources of authority, the Constitution and the people, without fully realizing that the two are in constant tension.<sup>58</sup> Theodore Roosevelt was able to do this somewhat more consistently because his understanding of constitutionalism was developmental and progressive. Nichols argues that the Constitution is an independent source of authority for the president, but Nichols'

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<sup>57</sup> David K. Nichols, *The Myth of the Modern Presidency* (University Park, PA: The Pennsylvania State University Press, 1994), 20.

<sup>58</sup> Ibid., 35, 44, 89, 111, 126, 127, 166. Nichols fails to clarify just how it is that a president responsive to, and gaining his authority from, public opinion can withstand public opinion when necessary. This seems to be the argument for authority from the Constitution, but Nichols does not make clear how authority can be mixed. The framers, as explained in *The Federalist*, sought to provide a republican connection to each office, either directly or indirectly, but also incorporated auxiliary precautions which provide for a separation between public opinion and the day to day operation of the government. The president, though indirectly elected by the people, gains his authority from the Constitution, not the people directly, and therefore is able to resist the whims of public opinion in the interest of the country as a whole when necessary. The institutionalization of public opinion as a direct source of presidential authority must tend to undermine the Constitution as an independent source of authority, a consideration both Nichols and Roosevelt fail to appreciate.



attachment to democratization undermines his argument. The true source of strong, independent presidential authority, then, remains obscured for Nichols. According to him, it is only the Whig theory of the presidency expounded by Edwin Corwin, Arthur Schlesinger, Jr., among a host of other scholars that has conditioned us to think of the presidency in terms of modern versus traditional. Roosevelt, therefore, far from introducing something new into presidential practice, merely reintroduces the practices of strong presidents that date from the earliest days of the republic. The changed conditions of the twentieth century, Nichols argues, entice the president to expand the reach and involvement of government. The problem, then, is not the strong presidency, but the intrusiveness of government.<sup>59</sup> Nichols argues that finding a source for the popular presidency in the Constitution would eliminate the perceived problem of the modern presidency. But what he does not explain is how the popular president, constitutional or not, is to resist the clamor of public opinion for government action in the face of changing conditions. It is not the so-called whiggish presidents that have given us the modern intrusive state, it is the strong popular presidents who have demonstrated a lack of constitutional restraint in dealing with the changed conditions of the modern era. Indeed, these popular presidents may not have merely been responding to public opinion, but rather themselves mobilizing public opinion to support the expansion of government. The popular presidency becomes, in such a case, a direct challenge to constitutional government understood as limited government.

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<sup>59</sup> Ibid., 6. This change he dates from the New Deal. In this he follows the lead of those scholars such as Fred I. Greenstein and William E. Leuchtenburg who date the modern presidency from the same time. Though Nichols denies there is a distinctly "modern" presidency, he discovers a sharp break from past political practices in the New Deal, just as these other scholars do.

One example of the rewards to be drawn from taking Roosevelt's pre-presidential writings seriously can be found in an essay by Patrick J. Garrity.<sup>60</sup> Garrity focuses upon the nationalism of Roosevelt and Henry Cabot Lodge as that argument which identified their particular philosophy. Theirs was an attempt to resurrect the nationalism of the Federalist party, to graft it on to the Republican party, and by that means make the Republican party the dominant party of the early twentieth century. The nationalism they advocated centered upon imperialism as a means of energizing American politics around a national theme, and they expected the imperialist message to have salubrious effects for domestic politics by instilling a vigorous character in the American people. Garrity recognizes the importance of Darwinism to their thought, and alludes to the importance of character, but finds their foreign policy arguments to be the root of an energized character. This seems the opposite of Roosevelt's scheme, as explained in "The Strenuous Life" and other of his works. Roosevelt counts on sound character to provide the vigor and energy that will support a strong, imperial foreign policy with the goal of civilizing colonial possessions.<sup>61</sup> As in the case of David Burton, Garrity captures a piece of Roosevelt's philosophy, but does not illuminate the whole of Roosevelt's thought. His focus on the partisan character of their agenda draws attention from the less partisan aspects of statesmanship as practiced at the highest levels. In this sense, had Roosevelt and Lodge succeeded, the Republican Party may have, at least partially, transcended

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<sup>60</sup> Patrick J. Garrity, "Young Men in a Hurry: Roosevelt, Lodge, and the Foundations of Twentieth Century Republicanism," in *Natural Right and Political Right: Essays in Honor of Harry V. Jaffa*, ed. Thomas B. Silver and Peter W. Schramm (Durham, NC: Carolina Academic Press, 1984), 225-33.

<sup>61</sup> Theodore Roosevelt, "The Strenuous Life," *Works*, XIII: 319-331.

partisanship, somewhat on the pattern of the Jeffersonian Republicans following the election of 1800. Garrity provides insight into Roosevelt's thought regarding foreign policy, but does not collect the strands of Roosevelt's thoughts into a coherent whole, though he does provide a valuable service by demonstrating the rich resources available in Roosevelt's pre-presidential writings. In this, Garrity far surpasses others who have written on Theodore Roosevelt.

The fact that so many scholars have passed over Theodore Roosevelt's writings, and discounted him as a serious thinker, bears further comment. Roosevelt was not, though he had some latent desire to be, a scholar respected among other scholars.<sup>62</sup> Roosevelt wrote not for other scholars, but for the public. The literary works and essays he wrote, which Edmund Morris found so tedious, contain his philosophy, but they are not philosophical treatises. They are works of popular rhetoric aimed at educating the American people in the virtue necessary to successful republican government.<sup>63</sup> Seen as such, they are likely to have little attraction to the scholar in search of the intellectual high points of a particular historical era. Woodrow Wilson provided such an attractive intellectual guidepost for political scientists and historians of the progressive era. The political influence of Roosevelt's writings, much of it meeting

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<sup>62</sup> Letter to Jonas S. Van Duzer, January 15, 1888, quoted in Morris, 386.

<sup>63</sup> In his speech to the American Historical Association in 1912, Roosevelt argues that "writings are useless unless they are read, and they cannot be read unless they are readable." Further, "history, taught for a directly and immediately useful purpose to pupils and the teachers of pupils, is one of the necessary features of a sound education in democratic citizenship." Theodore Roosevelt, "History as Literature," in Works, vol. XII, 11, 7.

very high standards of scholarship indeed, should not be discounted.<sup>64</sup> Nor should the political philosophy, which provides the foundation for such a rhetorical effort in the service of popular self-government. Roosevelt the man and president has over time obscured Roosevelt the thinker and political educator, but Roosevelt the writer, rhetorician, and political educator may be the key to Roosevelt the man and Roosevelt the president.

In order to begin to redress this omission, the approach to be pursued in the course of this work is remarkably simple in conception, though perhaps rather more difficult in the execution. It is to read seriously the pre-presidential and presidential writings and speeches of Theodore Roosevelt. The political philosopher Leo Strauss has written that "It is safer to try to understand the low in the light of the high than the high in the light of the low. In doing the latter one necessarily distorts the high, whereas in doing the former one does not deprive the low of the freedom to reveal itself fully as what it is."<sup>65</sup> By following this latter principle, any evidence that the writings and speeches of Theodore Roosevelt contain a public teaching of Roosevelt's political philosophy will fully reveal itself. It is worthwhile to note that Roosevelt chose writing and politics as the professional means by which he would supplement his inheritance income. He made that choice consciously from among the other respectable options open to a man of his status at the time: the law, business, teaching, and science being among

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<sup>64</sup> Several of Roosevelt's histories, The Naval War of 1812, Thomas Hart Benton, Gouverneur Morris, and The Winning of the West became standard treatments of their subject for many years, despite what flaws there may have been in them.

<sup>65</sup> Leo Strauss, "Preface to Spinoza's Critique of Religion," in Liberalism Ancient and Modern (Chicago: The University of Chicago Press, 1968), 225.

some of the available options.<sup>66</sup> The accepted account of Roosevelt's writings as mainly hack work undertaken to supplement his income would seem to follow from the first principle stated above, looking at the high in the light of the low, in which the expectation that Roosevelt's works are of a low grade produced to generate income results in an evaluation that supports the expectation. Following the second principle, one may find that Roosevelt's literary efforts served the dual purpose of expounding his philosophy as well as paying the bills. It is the spirit of this second principle that informs the approach to be pursued in this work in attempting to answer the question of what are the theoretical foundations of the stewardship theory of the presidency.

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<sup>66</sup> Theodore Roosevelt, "The College Graduate and Public Life," Works, XIII: 37. Autobiography, XX: 57-58.

## Chapter Two

### The Meaning of Stewardship

“There is no undefined residuum of power which he can exercise because it seems to him to be in the public interest,”<sup>1</sup> William Howard Taft forcefully argued regarding the presidential application of the executive power. Writing some four years following the end of his own term as President in 1912, and three years after publication of Theodore Roosevelt’s Autobiography, Taft calls Roosevelt’s stewardship theory of the presidency into question in the clearest possible terms. The fact that Theodore Roosevelt’s hand-picked successor as President of the United States is so openly critical of the unconstitutional foundation of Roosevelt’s stewardship theory indicates a problem exists. Taft’s analysis identifies the need for some attempt to determine just what are the sources of Roosevelt’s thought, if it does in fact disregard the Constitution to the extent that Taft claims.

It is readily recognized that Woodrow Wilson imported the foreign thought of Walter Bagehot, among others, into American politics in an effort to reconstruct American constitutionalism along more English, parliamentary and party lines.<sup>2</sup> Less well recognized is the extent to which Theodore Roosevelt imported very similar lessons from English constitutionalism into American politics, lessons gleaned from exposure to such English historians as Thomas Babington Macaulay, Lord Bryce, and George Otto

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<sup>1</sup> William Howard Taft, Our Chief Magistrate and His Powers (New York: Columbia University Press, 1916), 140.

<sup>2</sup> Hofstadter, The American Political Tradition, 241-242.

Trevelyan, among others.<sup>3</sup> Roosevelt's respect for and reliance upon the thought of such foreign influences, in some cases on an intimate level, indicates a conscious understanding on his part of the significant political and constitutional ramifications of his writings and public rhetoric. These influences may prove important, then, in attempting to understand in what ways, and why, Roosevelt found the Constitution to be deficient in promoting good government at the end of the nineteenth century. They may also illuminate our understanding of the means by which he hoped to improve the possibility of good government by reinterpreting the Constitution according to his own political understanding.

We must look to the statements Theodore Roosevelt made which articulate the stewardship theory and analyze them in order to see in what ways the elements of the theory diverge from the American constitutional teaching. In the main statements on stewardship we find several strands of political thought which bear investigation. First, Roosevelt introduces a new word to describe executive responsibility, stewardship. He then introduces a biblical allusion, the parable of the talents, the subject of which is the

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<sup>3</sup> Roosevelt's evident respect for Macaulay is seen in his letters, as well as in the similarities of Roosevelt's political thought to that of Macaulay regarding the necessity of practical political action in order to progress socially and economically. Elting E. Morison, ed., The Letters of Theodore Roosevelt (Cambridge, MA: Harvard University Press, 1951), I: 695; IV: 989, 1046, 1049; V: 290, 840; VI: 1400, 1401, 1444; VII: 27, 41, 333, 532 (hereafter cited as Letters). Lord Bryce acknowledges Roosevelt as one he is "especially indebted to" in the Preface to his The American Commonwealth, in Two Volumes (London: Macmillan and Co., 1889), vii, and is a correspondent and friend of Roosevelt's. Trevelyan was a frequent correspondent with Roosevelt, and was himself lauded by Roosevelt for his own works on Macaulay and the American Revolution, Letters, III: 104; IV: 1046. In addition to these influences, his single year of law school at Columbia acquainted Roosevelt with Coke and Blackstone, as well as the work of the German scientific school of history through John Burgess, whose Political Science and Comparative Constitutional Law (Boston: Ginn & Company, 1890), is the product, by his own admission, of years of work and must have incorporated the information contained in his lectures which Roosevelt attended in 1880-1881. Though Roosevelt does not appear to have absorbed Burgess's respect for constitutional form, he does express ideas similar to those of Burgess on the subjects of the State, national character, civilization, immigration and assimilation, natural right, and constitutional history and development.

kingdom of God, to illustrate the nature of stewardship. The third strand is a weakening of the institutional deliberation built into the United States Constitution, which he achieves by circumventing the institutions through the practice of direct appeals to the people. The fourth strand is a weakening of the institutional structure of the government, which he achieves by undermining separation of powers primarily, and the federal structure secondarily. He next introduces an interpretation of American constitutionalism, which is very similar to English constitutionalism in that it limits authority by exception rather than by enumeration. Finally, Roosevelt re-interprets the presidential precedents of Andrew Jackson and Abraham Lincoln in order to demonstrate a continuity with the past in his re-interpretive effort. We will look further at each of these strands of Roosevelt's theory in order to develop an understanding of the significance of this new theory of executive power.

As we look at these strands of Roosevelt's thought, we may keep in mind that Roosevelt, while periodically invoking the authority of the Constitution in a general way, does not appeal to specific constitutional grants of authority to support his assertion of power. One does not find appeals to the vesting clause, the oath of office, or to other specific provisions of article two in his claims for extraordinary presidential authority. Such were the grist of previous justifications for the exercise of extraordinary power made by presidents such as Lincoln and Jackson. These are absent in Roosevelt's rhetoric.

### **Stewardship**



The first step is to determine the meaning of stewardship itself. The Oxford English Dictionary lists twelve definitions for the word steward. It derives from a combination of the Anglo-Saxon words for house or hall, and warden, and no use of it is recorded prior to the eleventh century. The steward is an official of the king or of a household who carries out the instructions of his employer, administering the tasks for which he is responsible. In each sense, the steward is in the service of a king, head of household, or senior officer whose instructions or wishes he is expected to carry out. The steward is to execute the will, in a pure sense, of his master, that is, he is to follow out the instructions of his master and carry into effect the will of the master. In no sense is it apparent that the steward is justified in exercising a will contrary to that of his employers, though the word does admit of the capacity for some flexibility in determining the best means by which to achieve the given duties or instructions. The steward, in other words, is responsible or accountable to his employer for carrying out the will of the employer. It is a very direct and limited responsibility. The nature of this responsibility or accountability, and the meaning that Roosevelt invests in it, is what sets Roosevelt and his theory of stewardship apart from the historical understanding of executive magistracy, especially as expressed in the United States Constitution.

Roosevelt's theory is even, it would appear, too broad to fit within the bounds of the definition of stewardship as commonly understood, for the only institutional means of determining the will of the people, whom Roosevelt determines the President to be solely subject to, is through the quadrennial election. Assessment of the popular will between elections is left to the executive to accomplish through whatever informal means he

should choose. If this is indeed the case, as it appears to be, the only measures the president could legitimately pursue would be those identified during the campaign and thus arguably approved by the vote for the president through the electors. This would have the same limiting effect for those four years as does a Constitution of enumerated powers. This is not what Roosevelt claims for the president, for he prefers the capacity to act on any issue the president perceives to be in the public interest, without any direction or confirmation from the sovereign people, subject only to those reserved exercises of power actually precluded him by constitutional provision or statutory law. The stewardship theory, then, may transcend the notion of stewardship itself in claiming a presidential right to act in any case determined to be necessary according to his own will, not the will of his employers, the sovereign people. Roosevelt confuses acting in the name of the people and their interests with acting under the instructions of the people, which would be the proper understanding of the term steward of the people.<sup>4</sup>

Roosevelt understood the tension underlying his notion of stewardship as freedom of action unfettered by any controls other than the periodic election. Stewardship thus understood seems to create a paradox in which a distance from the people is maintained through periodic elections, but at the same time popular leadership is actively pursued. He also understood the danger to the republic that could result from a president intent upon keeping and exercising that power, and he understood that part of the power a

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<sup>4</sup> Harvey C. Mansfield, Jr. notes regarding Roosevelt's stewardship theory: "Yet what is the phrase 'steward of the people' but a napkin to keep TR's talents undamaged so that he can exploit them? It is hardly bolder than Taft's claim that the president is the 'Chief Agent' of the people." Mansfield here seems to indicate that there is something more to stewardship than the terms on their own admit of. He eloquently captures the soothing rhetoric of the term as well as its potential for extraordinary and perhaps uncontrolled power. *Taming the Prince* (New York: The Free Press, 1989), 302, note 38.

president wields is the power to curry favor with and develop support for a lengthy succession of terms of office among the public at large, as well as among those powerful interests that to a great extent fund election campaigns.<sup>5</sup> Roosevelt declared in his Autobiography that he ultimately considered the “executive as subject only to the people.”<sup>6</sup> This formulation places him in direct opposition to the Constitution, which, through the president’s oath of office, places the president subject to the Constitution itself. The president swears an oath to “execute the Office of President of the United States,” not the will of the people directly. He further swears to “preserve, protect and defend the Constitution of the United States.” Again, there is no duty to make himself directly subject to the will of the people, nor does Article Two in any other place contain this stipulation. What is remarkable about this article is the absence of any direct popular connection to the people. The president is elected indirectly through the chosen electors, and he deals with Congress, the Judiciary, and the departments directly in the performance of his duties, but not the people in any corporate or individual sense. Insofar as the president is to accomplish the ends of government identified and established by the people in their sovereign capacity in the preamble to the Constitution, he is to do so in accordance with the Constitution, for the people “do ordain and establish this Constitution” to achieve those ends. The presidency is therefore one of the means established in the Constitution to provide the energy necessary to achieve those ends.

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<sup>5</sup> Autobiography, XX: 378-381. Letters, VI: 1085-1086, 1088, 1135-1136.

<sup>6</sup> Autobiography, XX: 352.

The people, then, are not directly involved in the operation of the government. Thus, Roosevelt, by his construction of a direct connection with the people disrupts what Harvey Mansfield, Jr. has called "a certain constitutional space between the people and their government allowing the government a certain, limited independence so that it can develop a certain character and responsibility of its own."<sup>7</sup> The people, then, have identified the ends which their government is established to secure, and they have instituted that government through a Constitution which establishes the institutional means by which that government will pursue those ends. In doing this, "the sovereign people has been replaced by the constitutional people," as Mansfield argues.<sup>8</sup> This does not eliminate the sovereign capacity of the people, but rather defines the role of the people within the Constitution. That is, they choose under the Constitution who will exercise the duties of government, and occasionally they may reappear in a semi-sovereign capacity in making constitutional amendments. Roosevelt collapses this space by drawing the sovereign people into policy disputes which would normally be handled within the institutional structure of the government itself by the political interaction between the branches in the normal course of business.<sup>9</sup> This not only corrupts the

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<sup>7</sup> Harvey Mansfield, Jr., America's Constitutional Soul (Baltimore: The Johns Hopkins University Press, 1991), 16.

<sup>8</sup> Ibid., 210. See also William Kristol, "The Problem of the Separation of Powers: *Federalist* 47-51," in Saving The Revolution: The Federalist Papers and The American Founding, ed. Charles R. Kesler (New York: The Free Press, 1987), 116-117, on how the judiciary and separation of powers allow the reason of the people to rule the government, and the government to rule the passions of the people, thus separating the people from actually governing themselves.

<sup>9</sup> James Ceaser has described the American system of government "as operating on three basic levels, each successive level being influenced, but not fully determined, by the levels that precede it. These levels are (1) fundamental sovereignty, (2) the exercise of primary powers, and (3) the policy-making process." "In Defense of Separation of Powers," in Separation of Powers - Does It Still Work?, ed. Robert A. Goldwin and Art Kaufman (Washington, DC: American Enterprise Institute, 1986), 174. I follow his description here.

institutional structure by upsetting the responsibility they have of governing in the name of the people, but it also corrupts the people in their sovereign capacity by drawing them into a direct role in the daily operation of government. Thus Roosevelt's stewardship theory works to undermine the Constitution by reinterpreting the roles of the executive and of the people under the Constitution.<sup>10</sup>

This reinterpretation of roles leads Roosevelt into the problem of popular leadership, a problem for which he has no adequate solution. In governing in accordance with his stewardship theory, Roosevelt is ostensibly following the dictates of a people freshly reincorporated into the daily operations of government. Yet there is not a comprehensive popular will by which a president can be directed along the path of public will because of the normal division in the population along lines of party or interest. This requires the president to identify a public will which he can follow, that is, he must lead in the formation of public opinion and thus fashion the will which he is supposedly following, or he must choose among existing partisan interests and act in response to only a portion of the public, making that interest his own and by extrapolation that of the government as well. This requirement places an enormous burden upon the president. It also places stresses upon the Constitution by reintroducing the classic notion of the partisan regime into a system that was designed in part to ameliorate the destructive tendencies found in violent regime changes of the past by incorporating all citizens into the "regime" and reducing their differences to differences of interest rather than

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<sup>10</sup> This discussion brings up the subject of deliberation in the American system, which will be addressed later.

justice.<sup>11</sup> In stepping outside the institutional structure and limitations of the Constitution, Roosevelt also subtly alters the ends of the government as well, emphasizing the securing of the public welfare as a government responsibility rather than pursuing liberty and its blessings.<sup>12</sup> The introduction of the notion of popular leadership, then, carries along with it an enhanced responsibility for the executive to lead the government also in order to fulfill the government's responsibility to secure the public welfare, with all the various elements of material benefit and social justice that this goal entails.

Roosevelt's theory of stewardship, as its principles are elucidated in his explanation and development of the theory, we have seen, is at odds with the meaning of the word stewardship itself. As we shall see, though, Roosevelt's understanding of stewardship is not entirely at odds with the conception of magistracy as understood and articulated by many thinkers over the ages; so we must be alert to the possible reasons Roosevelt may have had for choosing to use the word "steward" rather than the more traditional word "magistrate." We have also seen that his understanding of stewardship

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<sup>11</sup> Mansfield notes in *America's Constitutional Soul*, 124, that "*The Federalist* is careful not to identify the result [the Constitution] in terms of a regime." Elsewhere, Mansfield has written that the Constitution was thought by its authors to represent "a true solution for the partisan ills that put a term to regimes." "Returning to the Founders: the debate on the Constitution," *The New Criterion* 12, no. 1 (September 1993), 51-52. Michael Allen Gillespie makes a similar point in an analysis of party and *Federalist* 10. Gillespie argues that the Constitution was intended to eliminate the contention over regime fundamentals by great parties by channeling competition through lesser interest-based parties that did not upset or challenge the system as a whole. "Political Parties and the American Founding," in *American Political Parties and Constitutional Politics*, ed. Peter W. Schramm and Bradford P. Wilson (Lanham, MD: Rowman & Littlefield Publishers, Inc., 1993), 17-43.

<sup>12</sup> As will be shown in greater detail later, Roosevelt's understanding of the working out of historical progress left him with the perception that the great pursuit of liberty by political means was concluded, at least for the United States, finally at the end of the Civil War. From that time the great questions for politics in the United States became human welfare, which could only be achieved by government intervention. See Theodore Roosevelt, "Social Evolution," in *Works*, XIII: 223. *Autobiography*, XX: 414.

has taken him outside the Constitution, and in doing so has brought to our attention the problem of popular leadership that the constitutional system at least concealed somewhat, even if it did not eliminate it altogether. This includes a subtle redefinition of governmental ends away from securing liberty and toward securing the public welfare, and a concomitant requirement for affirmative leadership on the part of the executive, both within and outside the government.<sup>13</sup> Roosevelt believed that these changes were not only justified, but were in fact necessary in order for the United States to cope with advances in modern technology and business organization while retaining free government. We will keep these changes, resulting from Roosevelt's understanding of stewardship, in mind as we explore additional attributes of the theory and explanatory tools that Roosevelt uses to express his intent.

### **The Parable of the Talents**

Theodore Roosevelt further illuminates his understanding of what stewardship means, when he states

My view was that every executive officer, and above all every executive officer in high position, was a steward of the people bound actively and affirmatively to do all he could for the people, and not to content himself with the negative merit of keeping his talents undamaged in a napkin.<sup>14</sup>

One is struck by the unusual construction "negative merit," for it is not often that one is led to think of negative action as being meritorious.<sup>15</sup> But this unusual construction is

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<sup>13</sup> Autobiography, XX: 414. "The Two Americas," Works, XIII: 448. Presidential Addresses and State Papers (New York: Review of Reviews Company, 1910), V: 809.

<sup>14</sup> Autobiography, XX: 347. Roosevelt also uses the allusion to the parable of the talents in "God Save the State," Works, XIII: 553, written in 1903.

<sup>15</sup> See The Federalist No. 72, 437, where Publius writes: "The most to be expected from the generality of men, in such a situation, is the negative merit of not doing harm instead of the positive merit of doing good."

itself enlightening in terms of understanding the larger question raised by this phrase, for the phrase keeping “talents undamaged in a napkin” leads us to the parable of the talents, a parable told by Jesus to his disciples in Matthew 25: 14-30, and in the parallel parable of the pounds found in Luke 19: 12-27.<sup>16</sup>

In brief, the story is as follows. It is a likeness of the kingdom of heaven. A man is called away into a distant country, so he distributes his goods to his servant to whom he entrusts those goods. The goods are distributed unequally according to merit, the servant of high ability being entrusted with more goods, the servant of lower ability being entrusted with less. Two of the servants take the goods with which they are entrusted and trade with those goods and increase them twofold. The third servant, however, fearing the loss of the goods, buries the goods awaiting his master’s return. At the return, the two profitable servants bring to their master the increase of his goods and are rewarded with increased responsibility. The third servant returns only the master’s original goods to him, and explains his fear to trade with those goods, whereupon, the master condemns the third servant and takes what was given to him and gives it instead to the first and most profitable servant.

The story both supports and undermines Roosevelt’s understanding of the executive as a steward of the people. The first verse of the passage (verse 14) reads : “*For the kingdom of heaven is as a man traveling into a far country, who called his own servants, and delivered unto them his goods.*” It is clear that to equate the servants of the parable to the stewards of Roosevelt’s theory, the kingdom of heaven must be equated

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<sup>16</sup> All quotations from the Bible are taken from the King James Version.



with the sovereign power of the United States, and the man who travels to a far country must be the people of the United States who represent that power. The servants are the officers of government, and the goods the power of the people. Such a reading would seem to provide support for Roosevelt's stewardship theory, for there appear to be no reservations or limitations upon the power to be exercised by the servants in the absence of the master. There is no direct oversight by the master of the servants regarding the manner in which they care for the goods delivered to them, but there is also no intermediary between the master and each servant. Roosevelt understands himself, as President, to be the direct representative of the people, just as the House of Representatives and the Senate also are directly responsible to the people, "who were the masters of both of us."<sup>17</sup> He also understands himself to be the master over the executive branch officials whom he appoints. They too have a direct relation to their master, and a relation that is not to be upset by outside influences. "A President who is fit to do good work," Roosevelt says, "should be able to form his own judgment as to his own subordinates,"<sup>18</sup> and that "if Congress is permitted to undertake the task of making up his mind for him as to how he shall perform what is clearly his sole duty" he and his subordinates will not be able to do "efficient work for the people."<sup>19</sup>

Continuing on, in verse 16 we learn that "he that had received the five talents went and traded with the same, and made *them* other five talents," and in verse 17 that

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<sup>17</sup> Autobiography, XX: 342.

<sup>18</sup> Ibid., XX: 354.

<sup>19</sup> Ibid., XX: 356.

“likewise he that *had received* two, he also gained other two.” They had different amounts because the master delivered “to every man according to his several ability” (verse 15). Each with what had been given him doubled it in value by commercial activity. Again, there appear to be no limits upon the activity of the servants. The master is not there to approve or disapprove of their transactions, so they are on their own in the use of the talents delivered to them. Like Roosevelt’s independent executive, the servants appear to be able to act, “whenever and in whatever manner was necessary, unless prevented by direct constitutional or legislative prohibition.”<sup>20</sup> Each of these servants is richly rewarded, called a “good and faithful servant,” given rule “over many things” for having “been faithful over a few,” and invited to enter “into the joy of thy Lord” (verses 21 and 23).

There was another servant who had delivered to him only one talent. In verse 18 we learn that “he that had received one went and digged in the earth, and hid his lord’s money.” This servant, also acting completely on his own, preserved his master’s goods as they were given to him, awaiting the return of the master, at which point the servant could return what was the master’s to him. It is this servant who Roosevelt refers to in that peculiar way as exercising a “negative merit.” It is this servant also who, upon the master’s return, is called in verse 25 a “wicked and slothful servant.” This servant is berated for not having at least gained interest upon the money; he is given no reward, but rather is punished by having his talent taken away and given to the servant with ten talents, and by being “cast into outer darkness” for being “unprofitable” (verse 30).

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<sup>20</sup> Ibid., XX: 348.

The penalty for not acting independently, in the political analogy to this story, is being cast out of office and having the office go to another. In this sense can the term negative merit be made sense of. For there is no outer darkness for the politician cast out of office, for he returns to the people from whence he came.<sup>21</sup> Both the good and the bad presidents return to the same place, both lose power which is the ultimate reason for occupying the office in the Rooseveltian conception. For Roosevelt "did not care a rap for the mere form and show of power; I cared immensely for the use that could be made of the substance."<sup>22</sup> The president cast out of office does not even carry with him the form or show of power, for the people have rejected him. Still, if he is rejected for his lack of positive contribution, it is not wickedness that caused it but only a negative merit of having kept "his talents undamaged in a napkin." The merit is not doubted, for according to Roosevelt we have never had a bad president, "one who did not sincerely desire to benefit the people and whose own personal ambitions were not entirely honorable."<sup>23</sup> The merit, however, was negative in not "actively and affirmatively" doing all in his power for the people.

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<sup>21</sup> Theodore Roosevelt, Works, XIII: 314. Autobiography, XX: 379.

<sup>22</sup> Autobiography, XX: 348. Alexis de Tocqueville describes this viewpoint as a particularly American philosophical approach: "looking to results without getting entangled in the means toward them and looking through forms to the basis of things - such are the principal characteristics of what I would call the American philosophical method," Democracy in America, ed. J. P. Mayer, A new translation by George Lawrence (Garden City, NY: Anchor Books, Doubleday & Co., Inc., 1969), Volume II, Part I, Chapter I, 429. The similarity between de Tocqueville's observation and the pragmatic school of philosophy which developed later in America as a particularly American philosophical school of thought (and which might be favorably compared to this statement by Theodore Roosevelt) is drawn by James H. Nichols, Jr., "Pragmatism and the U.S. Constitution," in Confronting the Constitution, Allan Bloom, ed. (Washington: AEI Press, 1990), 369-370.

<sup>23</sup> "The Presidency," Works, XIII: 310.

As much as the parable of the talents seems to support Roosevelt's interpretation of stewardship, there are disturbing ambiguities that also arise in a consideration of this parable. The first of these is a sense of limits that is not directly stated, but that is illuminated in the movement of the parable. We find first of all, that these are servants, that they are then bound in some way to their master, and that his traveling to a far country does not release them from their bond despite his having delivered his goods to them. Very clearly here we have an understanding of the relationship that matches very closely the common understanding of stewardship. This relationship and the limits it implies continues throughout the story. The goods were delivered to the servants, but they were not at liberty to use those goods to their own ends in the pursuit of pleasure or wealth. The goods remain the master's, and the servants are held accountable upon his return for their stewardship of his property. Far from denoting an independence from the master, the relationship remains very much one of direct accountability to him. And much like the quadrennial election, there is an eventual reckoning of one sort or another. In fact, it is the servant who is given the one talent that acts independently, and he is punished for it. We read, in verse 25, that this servant knew that his master was a "hard man, reaping where thou hast not sown, and gathering where thou hast not strawed," yet he neglected his responsibility to trade with the goods delivered to him and out of fear hid the talent in the dirt awaiting the master's return. For thus failing to follow the instructions in a manner consistent with his knowledge of his master, he was stripped of what he had and cast out - designated a wicked and slothful servant.

The understood sense of limits stated in the parable of talents works against Roosevelt's understanding of executive freedom. Roosevelt argues that "what is needed in our popular government is to give plenty of power to a few officials, and to make these few officials genuinely and readily responsible to the people for the exercise of that power."<sup>24</sup> But we know already that Roosevelt understands that the office itself, especially of the president, gives the holder of the office a certain power to influence the people and the interests that are necessary for him to remain in office, and thus to perpetuate himself in office.<sup>25</sup> So periodic elections must be considered, even in Roosevelt's theory, to be insufficient to guarantee genuine responsibility to the people. Yet he proposes no alternatives, and in fact undermines those institutional structures designed by the framers of the Constitution to at least promote the tendency to foster responsibility to the people through the natural operation of separation of powers, legislative checks and balances, the extended sphere, and federalism. He does not contend that his "theory will automatically bring good government," but rather he does "contend that it will enable us to get as good government as we deserve."<sup>26</sup> This may mean corrupt government, but if the process is democratic, at least it will not be government that is corrupt contrary to the will of the people. What Roosevelt looks for as a solution, besides character and self-restraint in the office-holder himself, is the formation of "a body of public opinion" which "must make itself felt, and in the end transform, and be transformed by, the gradual raising of individual standards of

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<sup>24</sup> Autobiography, XX: 86. For similar statements see pages 176, 342, 352, 356, 455.

<sup>25</sup> See note 4 above.

<sup>26</sup> Autobiography, XX: 176.

conduct.”<sup>27</sup> This recalls Publius’s second method of removing the cause of faction from his discussion in Federalist 10, which is “by giving to every citizen the same opinions, the same passions, and the same interests.”<sup>28</sup> Publius declares this to be impracticable “as long as the reason of man continues fallible,” “as long as the connection subsists between his reason and his self-love,” and as long as there continues a diversity in the faculties of men.”<sup>29</sup>

We have seen from the parable of the talents that there do exist these conditions. This brings us to the second ambiguity that arises from our consideration of the relation between stewardship and the parable of the talents. The unprofitable servant was so because his reason led him to bury the talent in the ground out of fear of his master, and the reason he had only one talent in the first place was because of the diversity of faculties that had been recognized by the master in the distribution of his goods. In the parable, as in Federalist 10, the identification of the diversity of faculties as an influence on other attributes is followed by a relatively lengthy discussion of those attributes. In the parable of the talents in Matthew, the different abilities are recognized and rewarded in the distribution of goods based upon known performance. In the parallel parable of the pounds in Luke 19: 12-27, we find that the distribution is equal, one pound per servant, but the growth of that pound among the servants is different, with one servant increasing to ten pounds total by the time of the master’s return.

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<sup>27</sup> Ibid., XX: 164.

<sup>28</sup> The Federalist No. 10, 78.

<sup>29</sup> Ibid.

In each parable we find the same story of increase based upon different abilities, though it is expressed in different ways in each parable. Yet one thing is consistent in each story, the increase is through trading. It is through commercial activity that the increase is achieved. This would seem to pose a problem for Roosevelt's executive steward who demonstrates his talent primarily by hindering the free exercise of commercial activity as well as the free demonstration of relative commercial ability. He does this through government regulation of business activity. It is not clear how a government official increases profit. Government officials, by exercising their talents as stewards in Roosevelt's conception, impose burdens on the most productive for the purpose of alleviating the condition of those with lesser commercial abilities. These burdens may be entirely legitimate in pursuit of the common good, but the danger of fomenting class envy and rivalry arises as well.

Roosevelt's recalling of the parable of the talents, then, does in many ways support his stewardship theory of the presidency. We do, though, find ambiguities in this association very similar to those ambiguities we found when attempting to reconcile Roosevelt's understanding of stewardship with the commonly understood meaning of the term. The stewardship theory continues to be an elusive concept, existing in a realm of ambiguity unresolved by the terms or analogies brought to bear in attempts to explain it. The very language of stewardship, then, obscures the truth of stewardship, and presents a new theory of executive power to the American people in language that would be acceptable to a republican people, but which tends to undermine the constitutional government that was designed to preserve republican government.

## Debasing Deliberation

Theodore Roosevelt's theory of executive power not only is not accurately expressed by the term stewardship, nor supported by the parable of the talents which he invokes in support of his theory, but his theory has several attributes which are damaging to American republican constitutionalism.<sup>30</sup> Among those attributes is the tendency of his theory, as expressed by Roosevelt in his speeches and writings and as practiced by him as president, to debase deliberation and its healthful effects upon American popular government. The effect of Roosevelt's theory upon deliberation is to have it occur in the unreflective public at large and to divorce it from the institutions of either government or partisan politics. Deliberation, then, is cheapened by removing it from the institutions in which knowledge, experience, persuasion, and argument may influence the consideration of any particular issue of national importance upon its merits, and places it instead in the realm of unreflective public opinion, ideology, and self-interest, which is altogether too subject to the vicissitudes of low political oratory, if not coarse demagoguery.<sup>31</sup> The

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<sup>30</sup> Both Harvey Mansfield, Jr. and James Ceaser have clearly explained the unique character of the American system as being a blend of constitutionalism and republicanism as traditionally understood at the time of the framing of the United States Constitution. Mansfield, America's Constitutional Soul, 120-124; Taming the Prince (New York: The Free Press, 1989), 254-258. James W. Ceaser, Liberal Democracy and Political Science (Baltimore: Johns Hopkins University Press, 1990), 5-25, especially 9-13.

<sup>31</sup> Joseph M. Bessette argues, in The Mild Voice of Reason (Chicago: The University of Chicago Press, 1994), 46-55, that deliberation includes three ingredients: information, argument, and persuasion. Each of these ingredients is fostered in an institutional setting such as the House of Representatives, the Senate, or the Presidency in a way that is absent from common public opinion which all too often demonstrates the tendency to be persuaded not by arguments based upon accurate information, but by base rhetorical appeals to ideology, passion, or interest. The failure to control for this tendency is the flaw of most other modern works on deliberation. James Ceaser, Presidential Selection: Theory and Development (Princeton: Princeton University Press, 1979) avoids this pitfall and provides another sound treatment of the importance of institutional safeguards against political demagoguery, in this case specifically in regard to the methods of selecting presidents. Most other writers addressing deliberation routinely accept increased democratization as sufficient to ensure sound deliberative opinion upon which to base policy. Such modern advocates of public deliberation as Jane Mansbridge, Beyond Adversary Democracy (Chicago: The University of Chicago Press, 1983); James S. Fishkin, Democracy and Deliberation: New directions for Democratic Reform (New Haven: Yale University Press, 1991); Arthur Maass, Congress and the Common



check Roosevelt relies upon to protect the people of the United States from such demagoguery is not an institutional one, but rather a faith in the race characteristics of Anglo-Saxons and their inherited capacity for self-government. The first chapter of Roosevelt's The Winning of the West and the first three chapters of his Thomas Hart Benton in particular are descriptions of the capacity of these people to spread beyond their borders, conquer and occupy territory, and institute self-government almost unconsciously. Roosevelt describes this capacity beautifully in an assessment of the accomplishments of the early American pioneers:

The first duty of the backwoodsmen who thus conquered the west was to institute civil government. Their efforts to overcome and beat back the Indians went hand in hand with their efforts to introduce law and order in the primitive communities they founded; and exactly as they relied purely on themselves in withstanding outside foes, so they likewise built up their social life and their first systems of government with reference simply to their special needs, and without any outside help or direction. The whole character of the westward movement, the methods of warfare, of settlement, and government, were determined by the extreme and defiant individualism of the backwoodsmen, their inborn independence and self-reliance, and their intensely democratic spirit.<sup>32</sup>

The question of the proper location of deliberation in any particular regime has been one of fundamental importance since the days when philosophy was brought down out of the heavens.<sup>33</sup> Aristotle referred to the deliberative element of the regime as the

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Good (New York: Basic Books, 1983); and Benjamin Barber, Strong Democracy (Berkeley: University of California Press, 1984) follow in the footsteps of Theodore Roosevelt in advocating democratizing reforms that remove deliberation from institutional settings and place the responsibility for deliberation in a public at large that is unsuited for the task of deliberation. Ironically, most of these authors recognize the deficiency of their ideas by proposing some form of institution within which to contain deliberation, such as James Fishkin's deliberative poll, or the institutional assemblies and electoral town meetings proposed by Benjamin Barber. Still, these institutions are meant to provide a more open and therefore more democratic forum for the expression and aggregation of ideological, passionate, or self-interested views.

<sup>32</sup> "The Winning of the West," Works, IX: 11. See also VIII: 7, 11, 12, 13, 18, 19, 22. Thomas Hart Benton, Works, VII: 4, 6, 8, 10, 12, 14, 15, 23-24, 26, 33.

<sup>33</sup> "Socrates, however, took the initiative in summoning philosophy down from the heavens. He transferred it to the actual cities inhabited by mankind, and moved it right into people's own homes; and he

“authoritative element” in the regime.<sup>34</sup> He explained that “what we do deliberate about are things that are in our power and can be realized in action,” and that “we deliberate not about ends but about the means to attain ends.”<sup>35</sup> Deliberation about what we now term policy, the means to achieve the ends of the city, then, is typically expected to occur in the authoritative element in the city. In a Greek democracy this was typically an assembly of all the citizens in some form. This is not to say, though, that all political issues were debated and decided in the assembly, for much of the deliberation that occurred was specifically directed to the selection of various officers in the city, some of whom had considerable deliberative power delegated to them.<sup>36</sup> Aristotle identified four variations on popular participation in the deliberative element, ranging from ruling in turn without ever meeting as a whole in an assembly to deciding all issues directly in an assembly, with different schemes of dividing the authority between the offices and the assembly in between.<sup>37</sup> In each of these cases the people actually rule directly, either

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compelled it to ask questions about how one ought to live and behave, and what is good and what is bad.” Cicero, “Discussions at Tusculum (V),” in *On The Good Life*, Translated with an introduction by Michael Grant (London: Penguin Books, 1971), 57.

<sup>34</sup> Aristotle, *The Politics*, Translated and with an Introduction, Notes, and Glossary by Carnes Lord (Chicago: The University of Chicago Press, 1984), 1264b30, 1299a1, 1316b30. Lord chooses to translate the Greek *kyrios* as authoritative rather than the common translation of the word as “sovereign” because the word sovereign “misleadingly suggests a purely legal form of authority,” Glossary, 274.

<sup>35</sup> Aristotle, *Nichomachean Ethics*, Translated, with introduction and notes, by Martin Ostwald (Indianapolis: Bobbs-Merrill Educational Publishing, 1962), 1112a32, 1112b12.

<sup>36</sup> In Attica during the fifth century B. C., the assembly was only one of the institutions of government. In addition, there was an administrative element, a judicial element of at least 6000 men at any given time from whom the daily judges would be selected by lot, and a council of 500 which performed many of the tasks which we would today refer to as executive responsibilities. The council and the officers of administration had considerable powers of deliberation granted to them, but under the authority and the review of the assembly. Alfred Zimmern, *The Greek Commonwealth: Politics and Economics in Fifth-Century Athens*, Fifth edition, revised (London: Oxford University Press, 1977), 161-169.

<sup>37</sup> *Politics*, 1298a11-33. The four modes are: (1) “by turns rather than all together,” (2) “when all [decide] together, but meet only with a view to the choosing of officials, legislation, what concerns war and

through participation in the assembly or in occupying an office in administration or on the council.

The role of the magistrates, or officers, in this arrangement is particularly interesting, for they participate in deliberation in many cases, depending upon the delegation of authority to them from the assembly. This opportunity to participate in deliberation means they are free to identify and implement means toward the fulfillment of the ends of the city without consultation with the assembly in those areas of their delegated responsibility. Here we find something very much akin to Theodore Roosevelt's understanding of stewardship. As Aristotle explains it, "those should be most particularly spoken of as offices which are assigned both deliberation and judgment concerning certain matters and command, but most particularly the latter, for command is more characteristic of ruling."<sup>38</sup> In Aristotle's view, some deliberation may be delegated to individual magistrates by the deliberative body that is ultimately authoritative for the regime. Within this delegated grant of authority, the magistrate is free to act in the manner he determines necessary or prudent in order to fulfill the responsibilities assigned him by the deliberative body. The magistrate is held accountable for those delegated responsibilities by an audit, conducted by the deliberative body, at the

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peace, and audits, while in other matters deliberation is carried out through offices arranged to deal with each sort of thing, and the offices are chosen from all by election or lot," (3) "when the citizens get together in connection with offices and audits and to deliberate about war and alliance, while other matters are administered by offices that are chosen by election to the extent possible [rather than by lot] - those in which it is necessary to have knowledgeable persons ruling," and (4) "when all meet to deliberate on all matters." It is interesting to note that while Aristotle counts each of these as democracy, he considers the last to be a particularly dangerous form of democracy (see 1292a3-38, 1304b21 - 1305a27) leading toward tyranny, while modern supporters of democratic deliberation tend to aim toward this very mode of democracy.

<sup>38</sup> Politics, 1299a25.

end of his term of office.<sup>39</sup> Accountability is further ensured by the distribution of offices into many different categories. Aristotle identifies twelve such categories of necessary offices and five additional noble offices in Book Six, Chapter Eight of his Politics.<sup>40</sup> There is no unified magistracy in Aristotle, thus the magistrates are held accountable individually to the deliberative and authoritative element even though they may exercise considerable independent deliberative authority in accomplishing their tasks.<sup>41</sup>

This is not to say that the magistrates are without guidance in their official deliberations, for the type or form of regime places restrictions upon their actions. In correct regimes the magistrate would be constrained to pursue the "common advantage,"

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<sup>39</sup> Ibid., 1282a25, 1298a6. Liability for negligence, malfeasance, or abuse of office can be considerably stronger than mere loss of office, which will happen in any event, but can include loss of honor and possibly fines, imprisonment, or ostracism.

<sup>40</sup> Ibid., 1321b3-1322b29. The twelve necessary categories are: (1) market officers, (2) officers over public and private property in town, (3) field managers, (4) treasurers, (5) recorders, (6) guards and executors of judgments, (7) Generals and other war officials, (8) military commanders, (9) auditors of funds, (10) preliminary councilors, (11) priests, and (12) officers who preside over official holidays or common civil sacrifices. The noble categories are: (1) managers of women, (2) law guardian, (3) manager of children, (4) exercise official, and (5) superintendents of gymnastic and Dionysiac contests. Mansfield, Taming the Prince, 68-70.

<sup>41</sup> This independence, while remaining subject to the authoritative power, is, I would argue, the core of executive power which is found in all the offices discussed by Aristotle. This also captures what Harvey Mansfield, Jr. calls the ambivalence of executive power, though he tends to find the core of executive power in the act of executing punishment. This, I think, is an unduly restrictive understanding of executive power, and by reducing it to such a level tends to shroud a broader understanding of executive power behind the Machiavellian understanding of the executive as executioner which Mansfield seems to prefer. In some sense, the American President, even when stepping outside or around the law, is still sanctioned by the supreme law of the Constitution which must be seen as representing the authoritative element in the American system. Mansfield, Taming the Prince, 58-59, 1-20, 128-135. Harvey C. Mansfield, Jr., "The Ambivalence of Executive Power." In The Presidency in the Constitutional Order, ed. Joseph M. Bessette and Jeffrey Tulis (Baton Rouge: Louisiana state University Press, 1981), 314-33. Herbert J. Storing captures the essence of this ambivalence in the executive under a constitutional system: "the administrative principle, while calling for the executive's independence, implies executive subordination to the legislature; the political principle, on the other hand, implies an equality (if not, indeed, a superiority) of the executive in the constitutional scheme. The beginning of wisdom about the American Presidency is to see that it contains both principles and to reflect on their complex and subtle relation." Herbert J. Storing, "Introduction," in Charles C. Thach, Jr., The Creation of the Presidency, 1775-1789: A Study in Constitutional History (Baltimore: Johns Hopkins Press, 1969), vii.

while in a deviant regime the magistrates would be constrained to pursue the “private advantage” of the rulers in the regime.<sup>42</sup> In addition to the freedom of action for the executive we find in Roosevelt’s stewardship theory, here we also find a kernel of his aim to pursue the public welfare as president. Yet the question remains as to what extent the public as a whole in the American system can be considered commensurate to the deliberative and authoritative element that Aristotle identified. We have seen already that the American people rule only indirectly, and that the constitutional system places certain constraints upon their authority and capacity to act in day-to-day governing activities.<sup>43</sup> Despite some similarities between stewardship and Aristotle’s conception of magistracy, there are also profound differences which we will discuss further at a later time. For now it is sufficient to note that the problems of a unified executive leading an unreflective and non-deliberative sovereign people weaken any comparisons between the stewardship theory and Aristotle’s conception of magistracy.

Similar questions regarding the accountability of magistrates and the location of sovereignty in the regime arise again, following centuries of imperial, feudal, and monarchical rule, in the seventeenth century with the reemergence of republican political thought, particularly in England. The political ferment of seventeenth century England brewed a potent republican response to the arguments for absolute, divine right monarchy espoused by King James I of England in such works as The Trew Law of Free Monarchies and defended by writers such as Sir Robert Filmer in his Patriarcha and

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<sup>42</sup> Politics, 1279a27-31.

<sup>43</sup> See above, notes 7,8, and 9, and associated text.

Observations upon Aristotles Politiques.<sup>44</sup> Filmer's arguments in favor of a patriarchal origin of kingship directly fostered two very famous republican responses, John Locke's Two Treatises of Government and Algernon Sidney's Discourses Concerning Government. In responding to Filmer, Locke and Sidney drew upon a growing body of republican political thought dating from the Civil War years. Republican figures such as John Lilburne, Philip Hunton, John Sadler, John Milton, Marchamont Nedham, and James Harrington laid the foundation of constitutional thought regarding the separation of powers, and regarding the executive power specifically, that later republican thinkers such as Locke, Sidney, John Trenchard, Thomas Gordon, John Toland, Anthony Hammond, Walter Moyle, and William Hay would use.<sup>45</sup>

The goal of the early republican writers in devising the separation of powers was twofold: to prevent the corruption that follows when the same entity that makes the laws enforces the laws, thus a separation between executive and legislative powers, and also to subordinate the executive to the legislative power in the interest of rule by law.<sup>46</sup> The English in the seventeenth century suffered the ills of absolute hereditary rule which generally served the interest of the monarch and his favorites at the expense of the people, despite the arguments made by King James in an attempt to justify hereditary rule

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<sup>44</sup> James VI and I, "The Trew Law of Free Monarchies," in Divine Right and Democracy, ed. David Wootton (London: Penguin, 1986), 99-106, and "A Speech to the Lords and Commons of the Parliament at White-Hall," in *Ibid.*, 107-9. Robert Filmer, "Observations Upon Aristotle's Politiques," in *Ibid.*, 110-19..

<sup>45</sup> Harvey C. Mansfield, Jr., "Separation of Powers in the American Constitution," in America's Constitutional Soul (Baltimore: The Johns Hopkins University Press, 1991), 116-19; Taming the Prince, 161-3.

<sup>46</sup> Mansfield, Separation, 116; Charles R. Kesler, "Separation of Powers and the Administrative State," in The Imperial Congress: Crisis in the Separation of Powers, ed. Gordon S. Jones and John A. Marini, foreword by Representative Newt Gingrich (New York: Pharos Books, 1988), 24.

as in the best interest of the public. Under these conditions, and with the added stimulus of arbitrary rule under Cromwell following the Civil War, the idea of separating powers to protect liberty and to promote efficient government emerged.<sup>47</sup>

Aristotle's identification of the three elements of any regime, Harvey Mansfield, Jr. points out, "is rightly taken to be his contribution to the modern doctrine of separation of powers."<sup>48</sup> On the way, though, from the deliberative element to the legislative power a transformation occurs which deprives the legislative power of the power of rule directly and places in its stead a conception of indirect rule by some form of representation of the citizen body.<sup>49</sup> During the seventeenth century the sovereignty of the king was increasingly challenged by parliament until in 1688, with the accession of William of Orange to the throne of England, sovereignty was recognized to reside in parliament. Deliberation, in the form of lawmaking, continued to reside in a sovereign body that maintained an institutional capacity to exercise the three elements of deliberation: information, argument, and persuasion.

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<sup>47</sup> W. B. Gwyn, The Meaning of the Separation of Powers (New Orleans: Tulane Studies in Political Science, 1965), 34, 127. Gwyn identifies no less than five different versions of separation of powers thought in his work. The five are: (1) rule of law, (2) accountability, (3) common interest, (4) balancing, and (5) efficiency. See also Harvey C. Mansfield, Jr., "Separation of Powers in the American Constitution," in America's Constitutional Soul (Baltimore: The Johns Hopkins University Press, 1991), 115. Charles R. Kesler, "Separation of Powers and the Administrative State," 24, 27.

<sup>48</sup> Mansfield, Taming the Prince, 24.

<sup>49</sup> *Ibid.*, 139-142. Indirect rule, according to Mansfield, is a hallmark of Machiavelli's political science. The necessity of rule, even if indirect, is realized in The Federalist 51 when Publius states: "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself," p. 322. Martin Diamond, "The Separation of Powers and the Mixed Regime," in As Far as Republican Principles Will Admit: Essays by Martin Diamond, ed. William A. Schambra (Washington, DC: AEI Press, 1992), 58-67, clearly explains the transformation from Aristotle's three elements to the modern separated powers along with the decline that is represented in this transformation.

This period in English constitutional history, as we shall see later, is particularly important to Roosevelt. It does not, however, tend to support his argument that deliberation resides in the people, but rather, quite the opposite, that deliberation resides in the government, wherein also lies sovereignty. Further, executive power, far from being independent in much of republican thought, is very much subject to the legislature in most cases. James Harrington has the executive magistracies wholly subject to the legislative power.<sup>50</sup> Algernon Sidney having laid out the popular grounds for republican government and explaining the virtues necessary for such government to work in the first two chapters of his work, begins to allow some flexibility of action to creep into the rigid control of the executive power by law and parliament in his final chapter. In Section I of Chapter Three, Sidney argues that “kings by the law of nature are obliged to seek chiefly the good of the kingdom,”<sup>51</sup> and “there is a law not given by kings, but laid upon such as should be kings.”<sup>52</sup> In this, despite his constant reference to magistrates operating solely under law, he seems to open the possibility that at times justice might require a magistrate to disobey the law of parliament to remain in accord with this higher law.

The legislature, as an institution, was also supreme for John Locke, except in the case when the executive resides in one person and the legislature is not always in session, in which case the executive can be considered supreme in some limited fashion.<sup>53</sup> Locke

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<sup>50</sup> James Harrington, *The Commonwealth of Oceana and A System of Politics*, ed. J.G.A. Pocock. (Cambridge: Cambridge University Press, 1992), 24-25.

<sup>51</sup> Algernon Sidney, *Discourses Concerning Government*, ed. Thomas G. West (Indianapolis: Liberty Classics, 1990), 321.

<sup>52</sup> *Ibid.*, 323.

<sup>53</sup> John Locke, *Two Treatise of Government*, with introduction and notes by Peter Laslett (New York: New American Library, 1960), 412-413, 414.



did, however, provide for the extraordinary power of the prerogative to reside in executive hands in cases “where the municipal Law has given no direction,” or in some cases “to act according to discretion, for the publick good, without the prescription of the Law, and sometimes even against it.”<sup>54</sup> Again we see an executive magistracy subject to the deliberative element except in the case of accident, emergency, or necessity, which Locke attempts to provide for through his doctrine of prerogative. Here we see the Aristotelian magistrate acting independently of the deliberative element in the common interest, but with somewhat less stringent institutional sources of accountability than we saw in the yearly audits of magistrates in Aristotle.

Montesquieu proceeds as far as any republican thinker prior to the American Constitution toward making the executive independent. But even here the executive, though it will bind the two parts of the legislature through the power of the veto, “will itself be bound by the legislature.”<sup>55</sup> Montesquieu further states that “the great advantage of representatives is that they are able to discuss public business. The people are not at all appropriate for such discussions; this forms one of the great drawbacks of democracy.”<sup>56</sup> Far from providing clear support for Roosevelt’s stewardship theory, early modern republican thought, even in its most developed form prior to the formation of the American Constitution, raises several legitimate questions about the accountability

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<sup>54</sup> Ibid., 421, 422.

<sup>55</sup> Montesquieu, *The Spirit of the Laws*, translated and edited by Anne Cohler, Basia Miller, and Harold Stone (Cambridge: Cambridge University Press, 1989), 164.

<sup>56</sup> Ibid., 159.

necessary to an expansive theory of executive power such as Roosevelt's, which borders closely upon the monarchy with which they are so familiar. Even those thinkers who grant greater independence to the executive keep him subordinate to the deliberative legislature in most activities. Such independence, when it occurs, tends to be allowed only for the preservation of the country rather than for the discretionary pursuit of the higher goals of national existence.

Under the American Constitution deliberation continues to reside primarily in the legislative power as the institution most conducive to accomplishing the tasks of deliberation, though to some extent deliberation does occur in a narrower sense in the executive as well.<sup>57</sup> In addition, the executive magistrate was to be separated from the legislature in the mode of selection, and thus to have his own distinctly popular connection, though an indirect one.<sup>58</sup> We see here that the direct link between the magistrate and the deliberative body which has remained a consistent attribute of republican thought from Aristotle on has been broken. But this does not mean that the authority of the magistrate now comes directly from the people because of an indirectly popular mode of election. Rather, as we have already noted, the Constitution is the source of authority for each of the separate branches of the government, and the people

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<sup>57</sup> Bessette, 20-33, 182, 205.

<sup>58</sup> This problem was the fundamental problem facing the Constitutional Convention regarding the presidency, how to make it accountable without leaving it subject to legislative coercion. The problem of executive selection was not finally resolved until the sixth of September, 1787. Charles C. Thach, Jr., The Creation of the Presidency, 1775-1789: A Study in Constitutional History (Baltimore: Johns Hopkins Press, 1969), 76-139. Max Farrand, ed., The Records of the Federal Convention of 1787, 4 vols. (New Haven: Yale University Press, 1966), vol. I: 68-9, 80-1, vol. II: 29-32, 56-9, 63-4, 99-106, 108-115, 118-121, 185-6, 401-2, 403-4, 497-8, 521-9. See also Federalist 51, 321-2. James Ceaser, Presidential Selection (Princeton: Princeton University Press, 1979), 50-52, 64-66.

play a role in the selection of their various officers as a constitutional people rather than as a sovereign people.<sup>59</sup>

Roosevelt, then, in placing deliberation in the hands of the people steps outside of the republican tradition as exemplified by Aristotle, all but the most democratic of the seventeenth and eighteenth century republican thinkers, and the American Founders.<sup>60</sup> He further steps outside this tradition by arguing for independent executive authority based partially upon public deliberation, but he also rejects the modern in favor of classic republicanism in basing his authority to some extent upon pursuit of a new end - public welfare rather than liberty.<sup>61</sup> Roosevelt's president as steward, then, is relatively free from the influence of outside deliberation, is free to pursue his own vision of the public welfare independently of other government institutions, but is now more directly subject to the demands and influences of unreflective public opinion, ideology, and interest upon matters of government policy, and thus must develop means to control and channel this influence.

This brings us to the very core of the problem of Roosevelt's stewardship, the requirement for statesmanship in the office of the presidency, a requirement James Madison warned us against in Federalist Ten when he says "it is in vain to say that enlightened statesmen will be able to adjust these clashing interests and render them all

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<sup>59</sup> See notes 7, 8, and 9 above. David K. Nichols, The Myth of the Modern Presidency, obscures this point as noted above, Chapter One, note 45.

<sup>60</sup> We shall see in the next chapter that Roosevelt draws significant inspiration from John Milton, one of the more radical and democratic of the English republicans.

<sup>61</sup> See note 13 above. This issue will be further developed in Chapter Four.

subservient to the public good. Enlightened statesmen will not always be at the helm.”<sup>62</sup>

The tendency of American constitutionalism to result in enlightened statesmen occupying the office of president due to the design of and qualifications for the office is a very different thing than making such statesmanship a requirement in order for the system to work. Roosevelt, however, has not only made enlightened statesmanship a requirement in the office, but he has made the president a referee in the adjustment of clashing interests, a demand that makes enlightened statesmanship even more difficult by involving the president in partisan squabbles which weaken his capacity to uphold the “deliberate sense of the community” and to resist “every sudden breeze of passion, or . . . every transient impulse which the people may receive from the arts of men, who flatter their prejudices to betray their interests.”<sup>63</sup> Indeed, if the president is not an enlightened statesman, he may become one of those very flatterers.

### **Challenging Auxiliary Precautions**

Publius writes that “a dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”<sup>64</sup> These auxiliary precautions are further declared to be “inventions of prudence” designed to counter “the defect of better motives” which is evident in “the whole system of human affairs.”<sup>65</sup> They are invented by prudence, that is, by practical

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<sup>62</sup> *The Federalist*, No. 10, 80.

<sup>63</sup> *Ibid.*, No. 71, 432.

<sup>64</sup> *The Federalist*, No. 51, 322. William Kristol, “The Problem of the Separation of Powers: *Federalist* 47-51,” in *Saving The Revolution: The Federalist Papers and The American Founding*, ed. Charles R. Kesler (New York: The Free Press, 1987), 100-130.

<sup>65</sup> *Ibid.*

wisdom, not theory, because experience has taught us of their necessity.<sup>66</sup> It is not the nobility of human aspiration that makes these precautions necessary, but rather because of the human capacity for depravity. It is the nobility of human aspiration that supplies “other qualities in human nature which justify a certain portion of esteem and confidence,” qualities which “Republican government presupposes the existence of . . . in a higher degree than any other form.”<sup>67</sup> It is these other qualities that supply the confidence in “a dependence on the people” as a “primary control on the government.”<sup>68</sup> Publius supplies the defect of republican theory by providing prudent means to control the element of depravity in human nature, and these inventions are primarily the separation of powers, legislative checks and balances, representation, judges holding office during good behavior, extension of the orbit, and federalism.<sup>69</sup> Each of these is in some way undermined by Theodore Roosevelt in the quest for efficiency in government, to which they are all impediments.

Changed conditions are at the root of Roosevelt’s challenge to the auxiliary precautions. Each of the precautions except the extended sphere is directly challenged by Roosevelt: separation of powers is inefficient, checks and balances allow the privileged interests to impede progress, representation in Congress cannot extend beyond the local interests of state or district to the common good, judges are reactionary and impede

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<sup>66</sup> Kristol, 124-125.

<sup>67</sup> Ibid., No. 55, 346.

<sup>68</sup> Ibid., No. 51, 322.

<sup>69</sup> All of these except federalism are identified in Federalist No. 9, 72-3. Each of these is addressed, with the addition of the federalism of the compound republic, in Federalist, No. 51, 320-325.

progress toward social and industrial justice, federalism is the haven of state's rights fetishists. Only the extended sphere remains unchallenged, for it is the precaution most affected by the industrial revolution and the accompanying changes in communication and transportation. The changes in technology have created the means for "impulse and opportunity" to coincide, undermining naturally the protection Publius argued so persuasively for regarding the extended republic in Federalist 10.<sup>70</sup>

The particular attribute of these auxiliary precautions is their tendency to preserve liberty, being "models of a more perfect structure" that an improved science of politics has bequeathed to "the enlightened friends of liberty."<sup>71</sup> But, we learn from Theodore Roosevelt that this concern for liberty is misplaced in the changed circumstances of the late nineteenth century, for "that device of old-school American political thought, the desire to establish checks and balances" precludes accomplishment of good, and "the 'division of powers' theory works unmitigated mischief."<sup>72</sup> This emphasis upon liberty is misplaced because "the great political revolutions seem to be about complete and the time of the great social revolutions has arrived."<sup>73</sup> This is the case because "the movement for political equality has nearly come to an end, for its purpose has been nearly achieved. To it must now succeed a movement to bring all people into the rivalry of life on equal conditions of social opportunity."<sup>74</sup> The age of political revolutions

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<sup>70</sup> Ibid., No. 10, 81.

<sup>71</sup> Ibid., No. 9, 72.

<sup>72</sup> Autobiography, XX: 176.

<sup>73</sup> "Social Evolution," Works, XIII: 223.

<sup>74</sup> Ibid., 240.

required "the largest liberty for the individual," but the "riot of individualistic materialism" that it fostered "turned out in practice to mean perfect freedom for the strong to wrong the weak."<sup>75</sup> Roosevelt, therefore, wants to make "the Government the most efficient possible instrument in helping the people of the United States to better themselves in every way, politically, socially, and industrially." He wished to pursue "real and thoroughgoing democracy" and to "make this democracy industrial as well as political."<sup>76</sup> This could only be done by passing appropriate legislation which required "arousing the people"<sup>77</sup> and "appealing over the heads of the Senate and House leaders to the people"<sup>78</sup> when the legislature proved intransigent. It also required establishing the power in the national government to control property of any kind which Roosevelt determined to be detrimental to these goals, and hence, a limitation upon liberty. This is not, however, a cause for concern, for the necessities of social and industrial justice far outweigh the concerns of property owners who place "human rights below property rights."<sup>79</sup> Liberty, far from needing protection, had resulted in a "riot of individualistic materialism" which necessitated a change in outlook which would understand not liberty, but "the welfare of the people as the end of Government."<sup>80</sup>

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<sup>75</sup> Autobiography, XX: 414.

<sup>76</sup> Ibid., XX: 376.

<sup>77</sup> Ibid., XX: 276.

<sup>78</sup> Ibid., XX: 342.

<sup>79</sup> Ibid., XX: 420.

<sup>80</sup> Ibid., XX: 414.

Once liberty has been supplanted as the end of government and replaced with the individual welfare of the country's citizens, the need for the auxiliary precautions passes away. These precautions then become an impediment to the efficient provision for the welfare of citizens by the government, and so can be done away with. The changed conditions in communications and transportation make possible now the formation and spread of "a body of public opinion" that can "make itself felt, and in the end transform, and be transformed by, the gradual raising of standards of conduct."<sup>81</sup> The key to this is the executive who can cause "to be done many things not previously done by the President and the heads of the departments," and who can "greatly broaden the use of executive power" "for the public welfare," "for the common well-being of all our people, whenever and in whatever manner was necessary."<sup>82</sup>

### **Ignoring Enumeration**

Among all the stunning claims of the stewardship theory, none can be more stunning in its outright rejection of American constitutionalism than the claim that "the executive power was limited only by specific restrictions and prohibitions appearing in the Constitution or imposed by the Congress under its Constitutional powers;" that the

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<sup>81</sup> Ibid., XX: 164. Compare with *Federalist*, No. 51, 323, where Publius writes of "a will in the community independent of the majority - that is, of society itself."

<sup>82</sup> *Autobiography*, XX: 347-348. Larry Arnhart argues that "we might agree with Hegel that during its early constitutional history, the United States was a civil society without a state, because the weakness of the national government hindered the development of national unity. But since the Civil War, we might argue, the increasing unification of the nation has produced a true state to which civil society is subordinated. According to this view of American history, the first phase of American constitutional history was purely Lockean, but the second was Hegelian. The Lockean founding of the American civil society was achieved by James Madison and the other framers of the Constitution. The Hegelian founding of the American state was begun by Abraham Lincoln." *Political Questions: Political Philosophy from Plato to Rawls*, Second Edition (Prospect Heights, IL: Waveland Press, 1993), 311. Whether one accepts the premise that Lincoln founded the American state along Hegelian principles, one can see the self-conscious introduction of the Hegelian concept of the state in Theodore Roosevelt's language here.



president need not "find some specific authorization" to do a particular thing; that it was the president's "duty to do anything that the needs of the Nation demanded unless such action was forbidden by the Constitution or by the laws;" that the president was free to act "unless prevented by direct constitutional or legislative prohibition."<sup>83</sup> This claim does no less than turn the American Constitution upon its head and introduce a foreign notion of constitutionalism into American political practice. It represents a fundamental reinterpretation of the United States Constitution. Under Roosevelt's theory the Constitution is not one of enumerated powers, but rather one of unlimited powers from which rights are excepted and granted to the people by the government, to be limited and controlled by the government as times and conditions dictate in the interest of providing for the welfare of the individual citizens. Roosevelt, in a far more bald and brazen manner than Woodrow Wilson ever attempted, imports the English notion of constitutionalism into the American constitutional framework. One of the ramifications of this interpretation is the view that the president and his administrative officers are free to exercise legislative, and even judicial, powers unless specifically precluded by a legitimate act of Congress.

The character of the American Constitution is compared to that of Great Britain by Publius in Federalist number 84, wherein he draws a sharp distinction between the two regarding the role of a bill of rights. He says

It has been several times truly remarked that bills of rights are, in their origin, stipulations between kings and their subjects, abridgments of prerogative in favor of privilege, reservations of rights not surrendered to the prince. Such was MAGNA

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<sup>83</sup> Autobiography, XX: 347-348. All of these references are contained in one paragraph. One finds the same assertion scattered throughout the Autobiography in references to the presidency and regarding policy actions which Roosevelt pursued during his presidency.

CHARTA, obtained by the barons, sword in hand, from King John. Such were the subsequent confirmations of that charter by subsequent princes. Such was the *Petition of Right* assented to by Charles the First in the beginning of his reign. Such, also, was the Declaration of Right presented by the Lords and Commons to the Prince of Orange in 1688, and afterwards thrown into the form of an act of Parliament called the Bill of Rights. It is evident, therefore, that, according to their primitive signification, they have no application to constitutions professedly founded upon the power of the people and executed by their immediate representatives and servants. Here, in strictness, the people surrender nothing; and as they retain everything they have no need of particular reservations.<sup>84</sup>

The British constitution is a constitution of exception, securing rights to the Lords and Commons from the arbitrary exercise of prerogative powers by the Crown. The American Constitution, on the other hand, is a constitution of enumeration, granting to the powers of government only that authority deemed requisite to meet the necessities of the country, and to provide the conditions for safety and happiness. The two constitutions are very different despite the fact that they may share many attributes of structure and practice in common.

Publius goes on to assert that in the American Constitution a written bill of rights, apart from being unnecessary, could “even be dangerous.” Such a bill of rights “would contain various exceptions to powers which are not granted; and, on this very account, would afford a colorable pretext to claim more than were granted.”<sup>85</sup> The inclusion of a bill of rights in this Constitution, Publius asserts, would provide the opportunity for

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<sup>84</sup> The Federalist, No. 84, 513. The historian Charles Howard McIlwain makes this same distinction, but then collapses the distinction into the observation “that in all its successive phases, constitutionalism has one essential quality: it is a legal limitation on government; it is the antithesis of arbitrary rule; its opposite is despotic government, the government of will instead of law.” Constitutionalism: Ancient and Modern (Ithaca: Cornell University Press, 1947), 1-22, especially 20-22. See also Ralph A. Rossum, “*The Federalist’s* Understanding of the Constitution as a Bill of Rights,” in Saving The Revolution: The Federalist Papers and The American Founding, ed. Charles R. Kesler (New York: The Free Press, 1987), 219-233.

<sup>85</sup> *Ibid.*, 513. Rossum, 220-221.

unscrupulous interpreters of the document to reach the conclusion that such a bill of rights shared the characteristics of British bills of rights as exceptions from an unlimited power in government. Such an interpretation would result in all kinds of undesirable activity on the part of the government that posed a threat to the people's liberty, a problem that was foreseen by the founders and which they attempted to provide against by writing the Constitution as they did.<sup>86</sup>

Theodore Roosevelt's opinion of the nature of the United States Constitution is clear. Regarding the presidency, as we have already seen, his opinion is that the Constitution withholds certain powers from the president rather than grants powers to the executive. This is apparent from his assertion that "the executive power was limited only by specific restrictions and prohibitions appearing in the Constitution or imposed by the Congress under its Constitutional powers."<sup>87</sup> This is further amplified by Roosevelt's proud claim that "during the seven and a half years of my administration we greatly and usefully extended the sphere of Governmental action," and yet he, with perfect equanimity, claims that he "did not usurp power, but . . . did greatly broaden the use of executive power."<sup>88</sup> What becomes apparent in the course of his argument is an attempt by Roosevelt to read the American Constitution in the light of British constitutional development. At times this extends so far as to seem to read the royal prerogative of the

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<sup>86</sup> On September 12, 1787, the Constitutional Convention entertained a motion by Mr. Gerry and seconded by Col. Mason to include a bill of rights as a preface to the Constitution. The motion was rejected as unnecessary, 0-10, by the delegates. Farrand, II: 587-588.

<sup>87</sup> *Autobiography*, XX: 347-348.

<sup>88</sup> *Ibid.*, XX: 360, 347.

British monarchy into the American executive power. He claims to be able on his own, as president, to expand the scope of executive power, whether the nation is in crisis or not, to accomplish any objective that is not at the time covered by a law, and even, in the specific case of presidential commissions, to act against the existing law should he so desire.<sup>89</sup> That this is what Roosevelt had in mind is supported by his own account of incidents which occurred during his presidency.

Roosevelt accomplished much during his presidency by the exercise of independent executive action in the form of executive orders, executive agreements, executive proclamations, or administrative orders. Many of these activities, particularly regarding foreign policy and what would now be called environmental policy, either occurred in the absence of law or else went beyond the purview of existing law. A few examples will suffice to call into question Roosevelt's devotion to observing the limitations of both constitutional and statute law which he so carefully identified as the only limitations upon executive activity in his famous statement of the stewardship theory. In 1907, with the Agricultural Appropriations Bill working its way through the Senate, Roosevelt and Gifford Pinchot worked to identify sixteen million acres of forested public land in six northwestern states to be designated as National Forest, because an amendment to the bill would directly preclude such an action by the

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<sup>89</sup> For the difficulties involved in attempting to claim prerogative power for the executive, see Federalist No. 25, 167, and No. 41, 257. See also Robert Scigliano, "The President's 'Prerogative Power,'" in Inventing the American Presidency, ed. Thomas E. Cronin (Lawrence, KS: University Press of Kansas, 1989), 236-256, and Gary J. Schmitt, "Thomas Jefferson and the Presidency," in Cronin, 335-343. Both Scigliano and Schmitt, in their arguments, support the argument of Federalist No. 25, while Scigliano sees this as justification for maintaining a weaker, subordinate president and Schmitt finds in Jefferson's practice ample reason to eschew prerogative in favor of a strong constitutional president.

president. Roosevelt and his aides then hastily drew up a proclamation which designated these lands National Forest while the appropriations bill sat on his desk awaiting signature. After issuing the proclamation Roosevelt signed the bill, thus avoiding the potentially embarrassing situation of having to veto the entire appropriations bill. While the action was strictly legal under existing law, it demonstrates a cavalier disregard for the deliberative legislative process.<sup>90</sup>

The establishment of a policy for the use and control of water power generation was created wholly within the executive branch, gradually gained public acceptance, and by the time he wrote the Autobiography it was "doubtless soon to be enacted into law."<sup>91</sup> In this case, Roosevelt had the Forest Service change the existing procedures for granting power generation concessions on public waters. Till that time they had been granted permanently and without fee. Roosevelt mandated that all new concessions be temporary

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<sup>90</sup> This action was technically legal under the Section 24 of the Forest Reserve Act of 1891, Statutes at Large, Vol. 26 (1891), 1103, which states "That the President of the United States may, from time to time, set apart and reserve, in any State of Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof." While the action was strictly legal, Roosevelt's attitude toward the impending legislation is important. He rushed to completion the papers necessary to complete the proclamation, claiming the "utmost care and deliberation have been exercised" in regard to the new reserves. Yet Congress, also deliberating on the same subject had come to a diametrically opposed conclusion. Roosevelt nevertheless, with knowledge of congressional intent, established the reserves because they were "reserves which I consider very important for the interests of the United States." He continues, "if Congress differs from me in this opinion it will have full opportunity in the future to take such position as it may desire anent the discontinuance of the reserves, by affirmative action, taken with the fullest opportunity for considering the subject by itself and on its own merits." But Roosevelt, by his action, has just undercut an affirmative action by Congress, and in such a manner as to not consider the subject in full by itself on its merits. Roosevelt requires Congress to act, in this case twice, forcefully in the future to undo an action of the executive which preempted a considered congressional initiative in the first place. "Memorandum on signing proclamations creating or increasing the following forest reserves," Letters, V: 603-604. See also Autobiography, XX: 395-396. Lewis L. Gould, The Presidency of Theodore Roosevelt (Lawrence, KS: University Press of Kansas, 1991), 203-204. Paolo E. Coletta, The Presidency of William Howard Taft (Lawrence, KS: The University Press of Kansas, 1973), 87.

<sup>91</sup> Autobiography, XX: 397.

and paid for. This may have been perfectly sound public policy, but it circumvented the process for changing such procedures by taking Congress out of the process. In these actions Roosevelt was upheld by the Supreme Court despite the argument for separation of powers having been made by the other side.<sup>92</sup>

In recounting the congressional enactment of a bill containing a provision prohibiting further presidential appointment of administrative commissions without specific congressional approval, Roosevelt comments, after the fact, that had such an amendment passed prior to the appointment of his commissions he "would not have complied with it."<sup>93</sup> His use of government employees, and his tasking of government departments to support these commissions seem to go beyond the constitutional prerogative of seeking advice from whomsoever he wishes and begin to encroach on legitimate legislative interests in the operation of those departments and the expenditure of funds allocated by Congress for department purposes. His recounting of these incidents in 1912 certainly projects an attitude regarding legal limitation of the president that is at odds with his professed respect for both constitutional and statutory limitations on the executive, and on his stewardship presidency.

One other point needs to be addressed here on Roosevelt's attitude toward and opinion of the Constitution. He "believed that the Constitution should be treated as the greatest document ever devised by the wit of man to aid a people in exercising every power necessary for its own betterment, and not as a straitjacket cunningly fashioned to

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<sup>92</sup> Ibid., XX: 351.

<sup>93</sup> Ibid., XX: 407. See also p. 359.

strangle growth.”<sup>94</sup> It is interesting to note that he says it “should be treated as the greatest document” rather than stating that it simply was “the greatest document ever devised by the wit of man” to accomplish the aforementioned purposes. In addition, he does not elaborate upon what it is that makes the Constitution so great. He does not base his arguments upon constitutional provisions or procedures, nor does he argue from article two in order to support his assertions of authority. We learn from Roosevelt’s prior writings that in his opinion the Constitution was not a document representing a higher principle of any kind other than Union among the several states, but rather in accomplishing this Union it was a “bundle of compromises.”<sup>95</sup> The structure and stated ends of the Constitution did not lend anything to this Union beyond the convenience of being acceptable enough to all parties to permit the Union of the separate states to be preserved. In Roosevelt’s opinion, the Constitution did not represent a significant change or development in either republican government or constitutional government, but rather carried on a centuries-old tradition in a manner that was suited to the specific conditions of the American people and their physical environment of the time.<sup>96</sup>

Having explained some of Roosevelt’s opinions regarding the Constitution, it is now necessary to examine his particular meaning when he states that the Constitution was “to aid a people in exercising every power necessary for its own betterment.”<sup>97</sup> We

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<sup>94</sup> Ibid., XX: 376.

<sup>95</sup> Gouverneur Morris, Works, VII: 329; “The College Graduate and Public Life,” XIII: 77.

<sup>96</sup> See the first chapter of The Winning of the West, Works, VIII, and the first three chapters of Thomas Hart Benton, Works, VII.

<sup>97</sup> Autobiography, XX: 376.

know that the people of the United States do not now, nor did they in the first decade of the twentieth century, exercise every power necessary for their own betterment. The people in 1900-1910 did exercise more power on their own behalf for their individual betterment. But they lived in an age before the advent of comprehensive government involvement in the individual welfare of each inhabitant. But this is a problem for Roosevelt, for the people acting on their own behalf results in "a riot of individualistic materialism."<sup>98</sup> What becomes necessary is the direct involvement of the government as a mediator to ensure that individuality does not result in the impoverishment of some of its citizens. What is necessary is that the people of the United States become a people, a Nation, and that this Nation have a National Government that speaks for the people as a people, indeed that becomes for all practical purposes the people, or, in Roosevelt's terms, "the National Government, that is, the people of the Nation."<sup>99</sup> The government is justified in acting directly to accomplish the individual welfare of each inhabitant of the Nation because it is the people collectively, and therefore all are benefited by such collective action. It only becomes necessary then, through government coercion if need be, to bring the self-interested and the radical extremes into the collective body of the regime, or into the State. Thus any government action to humble business, big labor, or radical elements in society is justified. The government can penalize business, jail radical

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<sup>98</sup> Ibid., XX: 414.

<sup>99</sup> Ibid., XX: 418. Roosevelt here appears to follow fairly closely the ideas of his teacher at Columbia Law School, John W. Burgess, who in his book Political Science and Comparative Constitutional Law defines the concept (as opposed to the idea) of the State as "a particular portion of mankind viewed as an organized unit," p. 50. Roosevelt, apparently because of the federal nature of the United States, uses the term Nation in a sense very compatible with Burgess's use of the term State.



labor leaders, solve labor disputes, and determine how a property owner is to use his property. Rights are to be dispensed or withheld by the government as the situation dictates, but no independent entity is to have power that might be imagined to rival that of the government, that is, the people. Rights become exceptions from government authority, as in the British constitution, and the traditional respect for traditional rights, together with the high character of individual citizens as well as of individual government officials, will ensure against government excess. The era of enlightened statesmanship is at hand. Or rather, the absolute necessity of enlightened statesmanship has become a fact.

#### **Andrew Jackson and Abraham Lincoln Shanghaied**

In the process of articulating his stewardship theory of the presidency, Theodore Roosevelt identifies “two schools of political thought,” divided along temperamental rather than political lines. The first school of thought, and the course that Roosevelt himself followed, is that “of regarding the executive as subject only to the people, and, under the Constitution, bound to serve the people affirmatively in cases where the Constitution does not explicitly forbid him to render the service, [and] was substantially the course followed by both Andrew Jackson and Abraham Lincoln.” The other school of thought, which he identifies with James Buchanan and William Howard Taft, is described as a “narrowly legalistic view that the President is the servant of Congress rather than of the people, and can do nothing, no matter how necessary it be to act, unless the Constitution explicitly commands the action.”<sup>100</sup> He further went on to describe the

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<sup>100</sup> Autobiography, XX: 352-353.

Buchanan-Taft school of thought as believing “that the President should solve every doubt in favor of inaction as against action, that he should construe strictly and narrowly the Constitutional grant of powers both to the National Government, and to the President within the National Government.”<sup>101</sup>

The Jackson-Lincoln view is that, in addition to the above attributes, “a President who is fit to do good work should be able to form his own judgments as to his own subordinates,”<sup>102</sup> that is, he should be able to ignore Congress in the exercise of even legitimate oversight functions when he so desires. The Jackson-Lincoln president also responds to “great national crises” which arise and “call for immediate and vigorous executive action,” and that in such circumstances, such as a coal strike, the president is “bound to assume that he has the legal right to do whatever the needs of the people demand.”<sup>103</sup> By implication, being the opposite of the Buchanan-Taft president, he also resolves doubt in favor of action as against inaction, and construes the Constitution loosely and broadly regarding both the powers of the national government and the president within that government.

In addition to those issues already discussed, under this theory Theodore Roosevelt also held up legislation regarding settlement of Indian claims and the sale of Indian lands, withdrew coal lands from auction because he did not think the sale price

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<sup>101</sup> Ibid., XX: 355.

<sup>102</sup> Ibid., XX: 354. Roosevelt here takes issue with the way President Taft handled the conflict between Secretary of the Interior Ballinger and Gifford Pinchot. In another account, we learn that Ballinger requested congressional examination of the case in order to clear his name of the spurious charges levied against him by Pinchot. Taft acquiesced in Ballinger’s request for a public hearing. Coletta, The Presidency of William Howard Taft, 83-98, especially 95.

<sup>103</sup> Ibid., XX: 455.

high enough, he appointed commissions within the executive branch for the purpose of making policy and suggesting legislation, he intervened in a coal strike and forced the mine owners to recognize and come to terms with the union, and he intervened in whatever countries in and around the Caribbean that he deemed it in the interest of the United States to intervene in to accomplish foreign policy goals directed toward European nations. Roosevelt also undertook these actions in a time of peace and prosperity. On the face of it his bow in the direction of Jackson and Lincoln appears suspect. He does not elaborate on any examples of action by either Jackson or Lincoln which would support his contention that they would support activist executive action on the order of that envisioned by the stewardship theory as legitimate, much less the bound duty of the president. It remains to be seen whether Andrew Jackson and Abraham Lincoln are legitimate ancestors of the stewardship presidency in any way other than having been forceful executive officers in their own right.

Since Roosevelt does not identify specific actions or statements from the presidencies of either Jackson or Lincoln in support of his contention that he acted consistent with their precedents, I will look at those events in their presidencies that are generally considered to best reflect critical episodes in their presidencies as well as reflecting their opinions on executive power. In the case of Andrew Jackson I will look at his veto of the bill authorizing the Second Bank of the United States. In the case of Abraham Lincoln I will look at his handling of the secession crisis and the start of the Civil War at the beginning of his presidency.

It would be wrong to say that there are no points of convergence between Andrew Jackson and Theodore Roosevelt in a comparison of the two. Both exhibit strong interest in upholding the authority of the national government in the face of a perceived threat. The subject of their concern is the same, being in Jackson's words "the humble members of society - the farmers, mechanics, laborers."<sup>104</sup> The object of their wrath is often the same as well, being speculative, wealth producing business activities which appear to thrive on cutthroat, if not immoral, practices for success. Against their chosen targets both are willing to bring the full weight of the presidency to bear. But these similarities skirt the main issue which Roosevelt identifies in his description of the Jackson-Lincoln presidency. Roosevelt asserts that the identifying feature of the Jackson-Lincoln method is "regarding the executive as subject only to the people, and, under the Constitution, bound to serve the people affirmatively in cases where the Constitution does not explicitly forbid him to render the service."<sup>105</sup> On this basis, one would have to say that the comparison between Roosevelt and Jackson definitely breaks down.

Without a doubt, Jackson argued for perhaps the broadest interpretation of the scope of presidential authority, under the Constitution, of any president until Lincoln, and

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<sup>104</sup> James D. Richardson, ed., Messages and Papers of the Presidents, 10 vols. (Washington: U.S. Government Printing Office, 1896-1899), II: 591. Marvin Meyers identifies four categories of people that Jackson is particularly interested in "planters and farmers, mechanics and laborers." He goes on to comment, "Jackson's 'real people' are essentially the four specific occupational groups he names, the men whose 'success depends upon their own industry and economy,' who know 'that they must not expect to become suddenly rich by the fruits of their toil.' The lines are fixed by the moral aspects of occupation." Meyers asserts that it is an oversimplification to describe Jackson's thought in terms of "wage earners and capitalists, or by rich/poor, town/country, East/West, or North/South." He goes on to say "The positive definition of the 'real people' significantly ignores pursuits which are primarily promotional, financial, or commercial." Marvin Meyers, The Jacksonian Persuasion (Stanford, CA: Stanford University Press, 1960), 21-22.

<sup>105</sup> Autobiography, XX: 352-353.

perhaps beyond. His claim that “the Congress, the Executive and the Court must each for itself be guided by its own opinion of the Constitution,” and that “it is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval as it is of the supreme judges when it may be brought before them for judicial decision,” is very broad in scope. Jackson argues this point, though, explicitly within the context of the Constitution. He makes this expansive claim in the course of explaining the reasons for his veto, a negative act, to the Congress which passed the bill to re-charter the bank of the United States. In his veto he gave full credence to the decision of the Supreme Court which had previously upheld the constitutionality of the bank,<sup>106</sup> while at the same time finding within the decision itself ample room for the executive and the legislature to perform their respective duties regarding the particular features of the bank. Jackson argues for broad executive powers from within the Constitution, not from without as does Theodore Roosevelt. Jackson finds that the Constitution itself is broad enough to account for the exigencies which face the national government. He does act affirmatively, but to uphold the Constitution and the executive powers derived from the Constitution, and in doing so he benefits the whole people by restoring or maintaining a condition of equality under the law for the whole people. Though he finds the condition of some of the people to have been harmed, or placed at a disadvantage by the bank charter,<sup>107</sup> he does not, as does Theodore Roosevelt, throw the weight of the government

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<sup>106</sup> *McCulloch v. Maryland*, 17 Wheat 316 (1819).

<sup>107</sup> *Richardson*, II: 590-591.

into the creation of a countervailing power among those who were so harmed. Jackson, at least in his arguments, stays within the Constitution.<sup>108</sup> His emphasis remains on restraining the movement toward expansion of national government activity.

On the issue of administrative officers and their relation to the president, Roosevelt is on firmer ground in claiming the support of Jackson. Roosevelt, remember, asserted that "the Jackson-Lincoln view is that a President who is fit to do good work should be able to form his own judgment as to his own subordinates."<sup>109</sup> Jackson's actions in diverting the deposits of the United States government from the Bank of the United States to state banks which he favored entailed a cabinet shuffle of some magnitude. Yet here also there are some significant issues that bear consideration when viewing Roosevelt's invocation of Andrew Jackson.

Theodore Roosevelt uses as an example of his view of executive authority and responsibility regarding administration officials the case of Secretary of the Interior Richard A. Ballinger during the Taft presidency. Ballinger stood accused of gross misconduct in office, and President Taft acquiesced in a congressional investigation of

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<sup>108</sup> This is not to argue that his constitutional arguments were accepted without protest. Daniel Webster delivered an address in the Senate on July 11, 1832 in response to Jackson's veto of the bank bill, assailing it on both policy and constitutional grounds, as well as accusing Jackson of appealing to prejudice and passion, as well as seeking "to inflame the poor against the rich." Webster argued on the constitutional issue that the argument of the veto "extends the grasp of executive pretension over every power of the government." "Speech on Jackson's Veto of the United States Bank Bill," in Great Issues in American History: From the Revolution to the Civil War, 1765-1865, ed. Richard Hofstadter (New York: Vintage Books, 1958), 300. It is significant to note that the debate over the bank was conducted to a large degree by both sides over constitutional issues and the relative powers of the different branches of the government under the Constitution. Theodore Roosevelt did not engage in such constitutional arguments as justification for his actions, viewing the executive power as endowed with powers not delineated in the Constitution itself and thus not deriving their authority from the Constitution.

<sup>109</sup> Autobiography, XX: 354.

the Secretary.<sup>110</sup> Roosevelt asserts that this is wholly improper, that the president “alone had power to act if the charges were true.” Roosevelt viewed his subordinates as responsible to him, and he accepted the responsibility for their actions, no matter what Congress thought. He asserted that the president had the right to refuse “to recognize the right of Congress to interfere . . . excepting by impeachment or in other Constitutional manner.”<sup>111</sup> Here one sees that Roosevelt interprets the Constitution as supplying all the authority by which Congress may act, a limitation he does not place upon the executive. Congress may do only what is constitutionally permitted, while the president may do anything the needs of the country call for unless the Constitution prohibits the action.

We see Jackson’s practical application of the principle of executive responsibility for the appointment and removal of subordinates in the case of the removal of deposits from the Bank of the United States. Jackson vetoed the re-charter of the bank in 1832, and later that year conceived the plan to cease depositing federal money in the bank while at the same time drawing money out of government accounts to pay for current expenditures. Further, he planned to deposit the money instead in designated state banks. Since the bank had nearly four years left on its original charter, this action would have the effect of severely challenging the continued existence of the bank during the

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<sup>110</sup> Ballinger himself had requested such hearings in order to clear his name of the charges leveled at him by Gifford Pinchot and Louis Glavis. Taft had supported Ballinger in private, and had eventually fired Pinchot for insubordination in connection with his activities regarding the charges against Ballinger. Pinchot had himself gone to Congress to incite opinion against Ballinger and Taft. The congressional hearing was thought to be not only in accordance with law, always a strict concern during the Taft presidency, but also a means of publicly clearing Taft and Ballinger of the charges laid against them by conducting hearings in front of a relatively neutral and respected committee of Congressmen. The effort backfired despite the fact that Taft and Ballinger were not guilty of either the legal or political infractions of which they were accused. Coletta, 77-98.

<sup>111</sup> *Autobiography*, 354.

remaining years of its charter. To accomplish this feat, Jackson moved Treasury Secretary Louis McLane to Secretary of State to replace Edward Livingston who would become minister to France. William J. Duane replaced McLane at Treasury in the expectation that he would follow Jackson's direction to move the deposits. Duane refused on the grounds that the House of Representatives had declared "the public money safe in the Bank." Jackson therefore "summarily dismissed" Duane, and replaced him with Roger Taney, the Attorney General, who proceeded to remove the deposits.<sup>112</sup> Jackson's appointment of Taney to replace Duane did not remain permanent, for the Senate refused to confirm the appointment, though they were unable to force the administration to deposit the withdrawn money into the Bank of the United States because the House of Representatives supported Jackson.<sup>113</sup>

The two separate actions described above, removing an officer summarily and removing the deposits from the bank, led the Senate to pursue resolutions of censure against Jackson, one for each action. The Whig-led Senate was able to pass each of these resolutions over the objections of Jackson, who responded in writing to the resolutions. The resolutions had little political effect, for the Jacksonians were returned to office in 1836 with a majority in the Senate which "expunged the resolution."<sup>114</sup> Jackson fought his political battle against the bank and the Whigs in the Senate with the constitutional

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<sup>112</sup> Glyndon G. Van Deusen, The Jacksonian Era (New York: Harper & Row, 1959), 80-82. Sidney M. Milkis and Michael Nelson, The American Presidency: Origins and Development, 1776-1990 (Washington, DC: CQ Press, 1990), 122-124. Wilfred E. Binkley, President and Congress, Third revised edition (New York: Vintage Books, 1962), 83-104.

<sup>113</sup> Van Deusen, 89-90.

<sup>114</sup> *Ibid.*, 87-90. See also Milkis and Nelson, 123-124. Binkley 97-104.



tools of executive appointment and removal at his disposal, and by arguing along constitutional lines throughout. Nonetheless, he recognized the right of Congress to oppose him even while pursuing actions contrary to the considered opinions of both houses of Congress. In this particular case and the resulting arguments between the executive and Congress we see no refusal on the part of the executive to recognize the rights of Congress, nor do we see the executive claiming power beyond the Constitution. Rather we see the executive seeking to maintain or expand his power under the Constitution, in some cases to the perceived detriment of the legislative power. Jackson provides an example of strong presidential exercise of the duties and powers of the executive office, and even some aggrandizement of the executive at the expense of the other branches, but his is still essentially a constitutional argument. Insofar as Roosevelt claims these same privileges under the Constitution he is on solid ground in invoking the name of Jackson. But when he steps outside the Constitution to “greatly and usefully extend the sphere of Governmental action,” or to cause “to be done many things not previously done by the President and the heads of the departments,”<sup>115</sup> he undermines his claim to be acting in accordance with the precedent of Andrew Jackson.

Other actions which Andrew Jackson is noted for are also worthy of mention. The Proclamation to the people of South Carolina during the nullification crisis is not only an example of staunch national thinking, but also a profoundly constitutional argument as well. Jackson, unlike Roosevelt, respects the separate role of the states within the federal union. Jackson also would have parted company with Roosevelt on the issue of internal

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<sup>115</sup> Autobiography, XX: 360, 347.

improvements as evidenced by his veto of the Maysville road bill in which he argues the need for an amendment to the Constitution in order to legitimate federal support of internal improvement, just as many of his predecessors had done, including Thomas Jefferson and James Madison.

The contention that there is a Jackson-Lincoln view of executive power is bolstered by the fact that Abraham Lincoln invoked Jackson's veto message in his own speech about the Dred Scott decision.<sup>116</sup> Lincoln quotes in its entirety the passage of the bank veto message in which President Jackson dismisses the argument for an overwhelming historical precedent in favor of the bank. He then cites Jackson's strong assertion of the president's right to interpret the Constitution:

If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the co-ordinate authorities of this Government. The Congress, the executive and the court, must each for itself be guided by its own opinion of the Constitution. Each public officer, who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others.<sup>117</sup>

There is here an unbroken chain of constitutional interpretation from Andrew Jackson to Abraham Lincoln. If anything, Abraham Lincoln is an even stronger proponent of constitutional legitimacy in political argumentation than is Andrew Jackson. This is not to say that their views of what might constitute proper policy are identical, but that they both share an understanding that policy differences between the branches must be

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<sup>116</sup> It is ironic that Roger B. Taney was the author of the Dred Scott decision which Abraham Lincoln so forcefully opposed, as well as the legal advisor to Andrew Jackson who encouraged the veto of the bank bill, the words of which Lincoln invokes in his criticism of the Dred Scott decision.

<sup>117</sup> Roy P. Basler, ed., The Collected Works of Abraham Lincoln, 9 Volumes (New Brunswick, NJ: Rutgers University Press, 1953), II: 402.

worked out according to constitutional principles, and therefore must be argued accordingly. For Lincoln and Jackson there is a substantial significance attached to the question of what it means to be a constitutional republic, a significance that is missing in the political rhetoric of Theodore Roosevelt. Roosevelt is not less republican. He is, however, less attached to a view of constitutionalism in which constitutional forms have an enlightening and shaping effect upon the operation of government, thereby making republican government more capable of stability and longevity while at the same time preserving liberty and promoting good government. Let us, then, turn to Lincoln's response to the secession of the Southern states in the early months of 1861 in order to illuminate Lincoln's view of the constitutional propriety of executive power.

On March 4, 1861 when Abraham Lincoln was inaugurated as the sixteenth President of the United States, seven states had already seceded from the Union and formed the Confederate States of America. Six weeks later, following the assault on Fort Sumter and the president's call for 75,000 new troops, Virginia seceded and was followed by Tennessee, North Carolina, and Arkansas. Faced with open rebellion upon taking office and the prospect of further secession among the states wavering on the question, Abraham Lincoln delivered an inaugural address remarkable for its moderation, its generosity, and most importantly for its evocation of constitutional principle. Lincoln forthrightly declared, "I therefore consider that in view of the Constitution and the laws, the Union is unbroken; and to the extent of my ability I shall take care, as the Constitution expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States." He further declares that "in doing this there needs to

be no bloodshed or violence; and there shall be none, unless it be forced upon the national authority.”<sup>118</sup> Lincoln endeavored to calm the passions in the South, to allow time to work in cooling those passions and lead those in rebellion to return to the fold of a perpetual Union, a Union that would not, indeed could not, be broken by the threat of secession and violence.

Lincoln appeals to the people from whom “the Chief Magistrate derives all his authority,”<sup>119</sup> but this is not a demagogic appeal to a mobilized mass of people, for the people act in an authoritative capacity in only three ways that Lincoln identifies. The first capacity is as voters. Lincoln acknowledged that electoral connection as he entered “upon the same task for the brief constitutional term of four years” as had his predecessors, recognized that the “people have wisely given their public servants but little power for mischief, and have, with equal wisdom, provided for the return of that little to their own hands at very short intervals,” and that “while the people retain their virtue and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government in the short space of four years.”<sup>120</sup> This status as voters is a constitutional, not a sovereign, exercise of authority. The second and third capacities which Lincoln identifies are “their *constitutional* right of amending” the Constitution, and “their *revolutionary* right to dismember or overthrow it.”<sup>121</sup> The security, the well-being of the

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<sup>118</sup> Basler, IV: 265.

<sup>119</sup> Ibid., 270.

<sup>120</sup> Ibid., 264, 270.

<sup>121</sup> Ibid., 269.

people rests upon their own “virtue and vigilance,” but it also relies upon the normal operation of the Constitution, the “frame of government under which we live,”<sup>122</sup> which the people have wisely made. Given the opportunity to appeal to the people directly in order to pursue a solution, perhaps even a majoritarian solution, Lincoln defers to the principle that “a majority, held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people.”<sup>123</sup> Facing a crisis of sufficient import to shatter the Union, Lincoln nonetheless retains his sense of constitutional propriety, a propriety he retains even as he acts to stretch the provisions of the Constitution to the limit in meeting the demands of necessity in putting down the rebellion.

A measure of Lincoln’s dedication to constitutional propriety, at the very time he is stretching the limits of the Constitution, is found in his address to Congress on July 4, 1861, on the occasion of Congress being convened in special session. He first describes the situation as it had developed from his inauguration, and then states that in those four months he patiently refused to do “all that which a president might constitutionally, and justifiably, do in such a case” in hopes of yet salvaging the deteriorating situation.<sup>124</sup> Lincoln lays the foundation for his later constitutional arguments by declaring that there are constitutional actions perfectly legitimate for a president to exercise if the situation of such a rebellion occurs. Lincoln mentions five specific actions which he took prior to the

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<sup>122</sup> Ibid., 270.

<sup>123</sup> Ibid., 268.

<sup>124</sup> Basler, IV: 423.

convening of Congress on July 4, namely, calling up the militia in a force seventy-five thousand strong, establishing "proceedings in the nature of a Blockade" in order to close the ports of the rebellious states, promulgating calls for volunteers to the armed forces, increasing the size of the Army and Navy, and suspending the privilege of the writ of habeas corpus.<sup>125</sup>

Having laid out the conditions that faced the government following his inauguration, Lincoln began to address the actions which he had taken on behalf of the government in order to preserve the Union. The first action he recalls is the calling up of the militia, which he did on April 15, 1861 because "the laws have been for some time past, and now are opposed, and the execution thereof obstructed, . . . by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals by law." "In order to suppress said combinations, and to cause the laws to be duly executed," Lincoln exercised his power as the executive "in virtue of the power in me vested by the Constitution, and the laws."<sup>126</sup> In a similar vein he defends his proclamation of a blockade of the Southern ports, appealing to "the laws of the United States, and of the law of Nations."<sup>127</sup> Lincoln invokes the Constitution and

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<sup>125</sup> Basler, IV: 428-429. The following exposition of the constitutional issues in this address to Congress substantially follows the interpretation of Joseph M. Bessette.

<sup>126</sup> Basler, IV: 331-332.

<sup>127</sup> Ibid., 339. Lincoln here regarding the blockade softens the language used in the actual proclamation: "Now, therefore, I, Abraham Lincoln, President of the United States, with a view to the same purposes before mentioned, and to the protection of the public peace, and the lives and property of quiet and orderly citizens pursuing their lawful occupations, until Congress shall have assembled and deliberated on the said unlawful proceedings, or until the same shall have ceased, have further deemed it advisable to set on foot a blockade of the ports within the States aforesaid, in pursuance of the laws of the United States, and of the law of Nations, in such case provided," Basler, IV: 338-339. The delicacy of the language used in the address to Congress was a conscious rhetorical expression by Lincoln. As Basler notes, in this place in the address, two paragraphs had been excised prior to the final form of the address, the first of which stated: "Whether the proceedings in the nature of blockade, be technically a blockade, scarcely needs to be

the laws, not as exceptions from an unbounded power, but rather as the enumerated constitutional or statutory authorization of legitimate avenues for him to pursue in the performance of his duty. Lincoln defends these actions by the statement "So far all was believed to be strictly legal."<sup>128</sup> The executive is on strong footing here, exercising power granted to him or readily recognized as executive in character.

The same defense cannot be made of the next category of actions, the legitimacy of which seems to be strengthened by being supported on either side by measures with a more solid foundation in constitutional or statutory authority for executive action. These actions, calling for volunteers to serve for three years, and the expansion of the Army and Navy,<sup>129</sup> Lincoln confidently asserts "whether strictly legal or not, were ventured upon, under what appeared to be a popular demand, and a public necessity; trusting, then as now, that Congress would readily ratify them."<sup>130</sup> Though calling for volunteers and administering the expansion of the Army and Navy are executive tasks, for an executive to do so independent of authorizing legislation from Congress, and in the absence of approved funding for that purpose, is not executive, and in fact is specifically assigned to

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considered; since foreign nations only claim what we concede, that, as between them and us, the strict law of blockade shall apply," Basler, IV: 429, n. 47. That this careful language seems to be delivered for the purpose of not granting some sense of legitimacy to the rebellious states as independent belligerent states is captured by the historian Thomas Bailey. "From the outset Lincoln had attempted to maintain the legal fiction that the conflict was merely a domestic disturbance that would soon be brought under control. But the recognition of the Confederates as belligerents [by Great Britain] upset his plans. He failed to recognize, however, that he had already recognized the belligerency of the Confederacy, for proclamations of blockade are not issued unless a state of war exists." Thomas A. Bailey, A Diplomatic History of the American People, Fourth Edition (New York: Appleton-Century-Crofts, Inc., 1950), 349.

<sup>128</sup> Basler, IV: 428.

<sup>129</sup> Ibid., 353-354.

<sup>130</sup> Ibid., 429.

Congress by the Constitution.<sup>131</sup> Lincoln's defense of this seemingly illegitimate exercise of power rests upon three grounds: popular support, public necessity, and a belief "that nothing has been done beyond the constitutional competency of Congress."<sup>132</sup> Each of these is arguably defensible from a ground of constitutional principle. When a sovereign people speaks in one of their constitutional capacities, it is a message deserving of attention, especially when they speak in support of the very defense of the regime. Necessity, as we have seen previously, must somehow be accounted for by a Constitution if it is to survive.<sup>133</sup> Lincoln lastly claims justification for his action because those actions were not unconstitutional, for they were allowed legitimately to Congress. This recalls to mind the statement by John Locke in the Second Treatise that since "there is no need, that the *Legislative* should be always in being, not always having business to do," and since laws must "have a constant and lasting force, and need a *perpetual Execution*," it is therefore "necessary there should be a *Power always in being*, which should see to the *Execution* of the Laws that are made, and remain in force."<sup>134</sup> From a constitutional point of view, the Constitution, as law, remains in need of being enforced even when Congress is not in session. This, combined with the public necessity and general public approval certainly provides some grounds of justification for Lincoln's actions, even though they may not have been strictly legal.

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<sup>131</sup> United States Constitution, Article I, Section 8, paragraphs 12-14; Section 9, paragraph 7.

<sup>132</sup> Basler, IV: 429.

<sup>133</sup> Federalist No. 25, 167; No. 41, 257.

<sup>134</sup> Locke, 410.



Lincoln buttresses this weaker argument with a concluding stronger argument, but one that is still somewhat controversial, taking the constitutionally permissible step of suspending the privilege of the writ of habeas corpus. Despite the rebellion, some took the view that the president could not initiate such an action, but rather that it must be a congressional act. This assertion seems to rest almost wholly upon the fact that the provision for such suspension occurs in Section 9 of Article I, which treats the structure and powers of Congress. Apart from its location in the document, it is not clear that such a suspension would not partake of a particularly executive character.<sup>135</sup> To those critics who argued that only Congress could suspend the privilege, Lincoln responded that

the Constitution itself, is silent as to which, or who, is to exercise the power; and as the provision was plainly made for a dangerous emergency, it cannot be believed the framers of the instrument intended, that in every case, the danger should run its course, until Congress could be called together; the very assembling of which might be prevented, as was intended in this case, by the rebellion.<sup>136</sup>

This explanation by Lincoln has been cited as “a masterly example of constitutional construction” by the political scientist Harry V. Jaffa.<sup>137</sup> Indeed, Lincoln’s argument is persuasive, but it is even more so when it is augmented, as Lincoln augments it, by invoking also the take care clause and the oath of office as independent constitutional

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<sup>135</sup> Joseph M. Bessette has argued that such a suspension would logically be an executive task, and that the provision itself does not designate which institution is to act in such cases. Further, there are other provisions in the same section which partake of a particularly executive character, such as the actual withdrawal of funds from the Treasury, or the provision against the granting of titles of nobility, traditionally a prerogative of the executive where it is exercised.

<sup>136</sup> Basler, IV: 431.

<sup>137</sup> Harry V. Jaffa, “On the Nature of Civil and Religious Liberty,” in Equality and Liberty (New York: Oxford University Press, 1965), 171.

sources of authority that make presidential suspension of the privilege not only justifiable, but the president's duty.<sup>138</sup>

Lincoln, as we have seen, looked to the Constitution and the laws as the first and primary source for guidance in his attempts to preserve the Union. Deeper than this, though, was his understanding that it was not only the Union that he was saving, but the hope for "free government upon the earth."<sup>139</sup> For Lincoln, as for Publius, the Union was necessary for free government, but it was not sufficient in itself for free government. For that the Constitution is necessary. This understanding is carried forward by Lincoln from his earliest days as a politician, when, in his speech to the Young Men's Lyceum of Springfield, Illinois, January 27, 1838, he addressed the issue of "The Perpetuation of Our Political Institutions."<sup>140</sup> This perpetuation, which he called maintenance in his address to Congress on July 4, 1861,<sup>141</sup> was to be achieved in part by developing an attachment of the American people to their government. In Lincoln's famous words:

Let every American, every lover of liberty, every well wisher to his posterity, swear by the blood of the Revolution, never to violate in the least particular, the laws of the country; and never to tolerate their violation by others. As the patriots of seventy-six did to the support of the Declaration of Independence, so to the support of the Constitution and Laws, let every American pledge his life, his property, and his sacred honor; - let every man remember that to violate the law, is to trample on the

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<sup>138</sup> Basler, IV: 430. One should also note that Lincoln's proclamations authorizing the suspension of the writ up to the date of his address to Congress were very specific as to the geographic limits within which the military officers were to have authority to suspend the writ, and the suspension was only to occur under conditions of actual resistance or danger to the public safety which *necessitated* such action (Basler, IV: 344, 347, 364-365, 419). In one case, suspension of the privilege was so specific as to identify a single individual (414). That Lincoln did not undertake such suspensions precipitously or with a cavalier attitude is evidenced by his memorandum of May 17, 1861 on military arrests: "Unless the *necessity* for these arbitrary arrests is *manifest*, and *urgent*, I prefer they should cease," (372).

<sup>139</sup> Basler, IV: 426, 439.

<sup>140</sup> *Ibid.*, I: 108-115.

<sup>141</sup> *Ibid.*, IV: 439.

blood of his father, and to tear the character of his own, and his children's liberty. Let reverence for the laws, be breathed by every American mother, to the lisping babe, that prattles on her lap - let it be taught in schools, in seminaries, and in colleges; - let it be written in Primmers, spelling books, and in Almanacs; - let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the *political religion* of the nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly upon its altars.<sup>142</sup>

For Lincoln the Constitution was central to the preservation of the Union, and to the maintenance of an attachment among the American people to their government. Lincoln also laid out the grounds of another response to the problem of preserving the Union and the Constitution, a response which Theodore Roosevelt would choose nearly seventy-four years later upon his accession to the presidency. As he contemplated the problem of gratifying the ambition of talented men, Lincoln posed the question "can that gratification be found in supporting and maintaining an edifice that has been erected by others?"<sup>143</sup> Regarding Theodore Roosevelt, this question can only be answered partially in the affirmative, for his devotion to the Constitution as a means of ensuring good government was weak at best. In Roosevelt's estimation, the weakness of the Constitution required men of extraordinary stature to provide for the welfare of the people, and to lead the people, but these leaders would have to be devoted to republican government, if not to the Constitution and laws, in order to preserve the Union. Reverence for the Constitution and laws, which was Lincoln's solution to the problem of

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<sup>142</sup> Ibid., I: 112.

<sup>143</sup> Ibid., I: 114.

perpetuation, is rejected by Theodore Roosevelt, who considers the Constitution a "bundle of compromises."<sup>144</sup>

Andrew Jackson and Abraham Lincoln, because of their unquestionable support for and reliance upon the Constitution can only provide equivocal support for Theodore Roosevelt's stewardship theory of the presidency. Both Jackson and Lincoln provide an example of strong principled leadership in the presidency which Roosevelt can legitimately claim to follow. Roosevelt's willingness to reinterpret the Constitution and to expand the range of governmental and executive activity as a result of that reinterpretation taints any claim he might make upon the reputations of those statesmen of American constitutionalism.

The above discussion of Andrew Jackson and Abraham Lincoln has centered upon those issues identified in Roosevelt's stewardship theory. Because of this emphasis, one particular difference between Jackson and Lincoln on one hand, and Roosevelt on the other hand, does not appear. This is the status of natural right in the political thought of Jackson and Lincoln. Since Roosevelt does not discuss natural rights in his discussion of the stewardship theory, I do not include it here as a means of comparison between the three men. Roosevelt's views on natural rights, however, will be addressed in a subsequent chapter.

### **Stewardship Reconsidered**

Stewardship, upon reflection, has a meaning that is not fully conveyed by the terms, examples, and presidential precedents Roosevelt invokes in the exposition of his

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<sup>144</sup> Gouverneur Morris, Works, VII: 329, "The College Graduate and Public Life," XIII: 46.

theory. The term stewardship itself conveys a rhetorical message that would not be alarming to a republican people, a message that was also repeated in Roosevelt's choice of supporting examples and presidential precedents. But this rhetorical message is equivocal at best when the message conveyed by these elements of the theory are contrasted with Roosevelt's examples of the application of the theory. What emerges is a deeper understanding of executive power than is conveyed by those rhetorical elements, and which, in many ways, is more consistent with historical treatments of executive power outside the American constitutional and modern republican tradition. Roosevelt's executive seems in many ways to evoke the British king, the Machiavellian Prince, or the Roman dictators.

Roosevelt's actions as President can be justified in light of his theory of constitutionalism, but the question arises whether the public or Andrew Jackson and Abraham Lincoln, the authorities he claims as predecessors in the practice of the stewardship presidency, share his constitutional views. The tendency of the stewardship presidency to undermine reverence for the Constitution and the laws by drawing the people back in to a more active participation in policy debates, to undermine the auxiliary precautions which create the constitutional space between the people and the government within which reverence may grow, to undermine deliberation by concentrating power in an executive who appeals over the head of Congress to the people directly, and to expand the powers of the national government and the presidency beyond the bounds of the enumeration, even broadly read, contained in the Constitution, all work to weaken the constitutional framework which was intended by the founders to provide

an indispensable support to republican government which would allow it to avoid in America the fate suffered by republican governments known to history. In this way, Roosevelt moves the United States back toward an understanding of republican government that was rejected as too unstable by the Founding Fathers. In his constitutional theory, Roosevelt places a greater emphasis upon civic virtue, enlightened statesmanship, and the progressive unfolding of evolutionary history, and thus nudges American political practice away from its own constitutional tradition.

The anomalies within the stewardship theory, and particularly the elements of that theory that are rhetorically soothing to a republican people, require further study to determine their character. The differences between the stewardship theory and the founding understanding of American constitutionalism beg for some explanation. The divergences between the stewardship theory, which invokes the memory and precedent of Andrew Jackson and Abraham Lincoln, and their understanding of constitutional propriety deserves greater investigation. Having, I believe, illuminated some of the problems with the apparent meaning of stewardship, subsequent chapters will investigate the political thought of Theodore Roosevelt that emerges in his pre-presidential writings and rhetoric, and which resulted in the expression, in his Autobiography, of the stewardship theory.

## Chapter Three

### Republican Virtue and Duty

On the evening of his election to the presidency in his own right in 1904, having served three and one-half years in that capacity following the assassination of William McKinley, Theodore Roosevelt released to the press the statement: "The wise custom which limits the President to two terms regards the substance and not the form, and under no circumstances will I be a candidate for or accept another nomination."<sup>1</sup> This action expresses directly and forcefully the very profound respect for republican government and its traditions that Theodore Roosevelt held all his life. As he stated, his decision was not based on conformity to any formal requirement, but to a substantive one under which he perceived himself to fall. That substantive provision was the tradition established by George Washington of serving only two terms in the office of the presidency. Roosevelt understood that legally and constitutionally he could justifiably run for another term under his own name and still consider himself to have fulfilled the letter of the tradition. This is because he assumed the office following the assassination of William McKinley and he had not been elected as president to the first term which he served. But something beyond legal and constitutional propriety drove Roosevelt to reject this option. In his own mind, the final three and one half years of McKinley's term had been his first, and to seek election in 1908 would have violated the spirit of Washington's example, and in some sense would have overshadowed Washington by serving longer in the office. This

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<sup>1</sup> Works, XX: 378.

Roosevelt was loathe to do, since he held a tremendous respect for the personal and political stature of Washington.<sup>2</sup>

This act of self-denial characterizes one aspect of the political thought of Theodore Roosevelt. We have seen that Roosevelt held views regarding the nature of American constitutionalism very different from those of the Founding Fathers. We have also seen how those views were reflected in his famous statement of the stewardship theory of the presidency, and that the stewardship theory as presented is ambiguous in nearly every detail regarding the true character of Roosevelt's views on the scope of executive power. What is less ambiguous is the extent to which Roosevelt felt unconstrained by the limits of the Constitution, or by a notion of constitutionalism which enumerates and thus limits the president's powers. The terms in which the stewardship theory are couched, however, are intimately tied to Roosevelt's own statement of self-denial in 1904, which was fulfilled in 1908 when he refused to succumb to the temptation to run again for an office obviously his for the asking. The bond that links these two particular expressions of Roosevelt's political thought is his commitment to republican government. The example of Washington is to be followed in spirit, even if the letter of the example would allow another term of office, because it is the duty of the

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<sup>2</sup> Roosevelt considered Washington to be, along with Lincoln, one of the two premiere statesmen in American politics. Indeed, he considered them to be statesmen of world class dimensions. "Washington, though in some ways an even greater man than Lincoln, did not have Lincoln's wonderful gift of expression - that gift which makes certain speeches of the rail-splitter from Illinois read like the inspired utterances of the great Hebrew seers and prophets. But he had all of Lincoln's sound common sense, far-sightedness, and devotion to a lofty ideal. Like Lincoln he sought after the noblest objects, and like Lincoln he sought after them by thoroughly practical methods. These two greatest Americans can fairly be called the best among the great men of the world, and greatest among the good men of the world." "The Ideals of Washington," Works, XIII: 500-501. "I believe Washington was, not even excepting Lincoln, the very greatest man of modern times." Letter to Henry Cabot Lodge, August 24, 1884, Letters, I: 81. See also "American Ideals," Works, XIII: 4.



republican statesman to step aside and return to the people at a decent interval and allow the power of the nation to be transferred to other hands.<sup>3</sup> Where the Constitution does not provide limits, it is the character of the president which must operate as a limitation upon the ambition of those who hold, and thus who have considerable power to maintain themselves in, the office.

Roosevelt's self-denial is a reflection of Washington's self-denial when he also refused the temptation to remain in office, and as such indicates Roosevelt's own profound commitment to the traditions of republican government. The unwillingness to relinquish power, according to Roosevelt, was the fatal flaw in the otherwise admirable character and arguably laudable political career of Oliver Cromwell.<sup>4</sup> Cromwell, though, labored under the absence of means to secure a peaceful, stable succession, a problem not uncommon to republican governments everywhere to that time. The security with which Roosevelt could thus comfortably relinquish power was to a great extent ensured by the constitutional processes at work in the American regime, and which had themselves been, in fact, demonstrated and secured by the magnanimous example of Washington. Roosevelt, by altering other constitutional practices, weakened the traditional institutional safeguards that protected the American people from the problems of faction and succession experienced by previous republics. The ramifications of weakening such traditional constitutional practices were demonstrated most forcefully by

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<sup>3</sup> Theodore Roosevelt, "The Presidency," Works, XIII: 313-314. Autobiography, Works, XX: 379-380.

<sup>4</sup> Theodore Roosevelt, Oliver Cromwell, in Works, X: 318-320, 331-332, 334-335. Letters, II: 1047.

Roosevelt's own distant cousin, who contrived in 1940 to secure for himself a third term in part by portraying himself then as the indispensable man.<sup>5</sup>

As we look at the republican aspect of Theodore Roosevelt's political thought, and whatever weaknesses it may contain, we must first establish some sense of the character of republican government. Then we can turn to the particular understanding of republicanism which Roosevelt brought to his stewardship theory of the presidency, and through which he attempted to shape the American people by his rhetoric of political education to virtue and duty.

### Republicanism

The word republic comes to us from the Latin *res publica*, meaning a thing of the people. We learn from Cicero that "the commonwealth [*res publica*], then, is the people's affair."<sup>6</sup> This formulation is very broad, and as a result, as John Adams tells us, "of republics there is an inexhaustible variety, because the possible combinations of the powers of society are capable of innumerable variations." Adams himself had stated that "the very definition of a republic is 'an empire of laws, and not of men,'" and also that "a republic is the best of governments."<sup>7</sup> It is so because a republic is the government most

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<sup>5</sup> On the topic of the indispensable man, see John Morton Blum, The Republican Roosevelt, Second Edition (Cambridge, MA: Harvard University Press, 1977), 151. A succinct account of Franklin Roosevelt's behind the scenes maneuvering to secure the Democratic nomination for President in 1940 is provided by Michael Barone, Our Country: The Shaping of America From Roosevelt to Reagan (New York: The Free Press, 1990), 132-144. Regarding the value of having an experienced president in office during times of crisis, see Works, XX: 379-380; The Federalist No. 72, 439.

<sup>6</sup> Cicero, On the Commonwealth, translated by George Holland Sabine and Stanley Barney Smith (New York: Macmillan Publishing Company, 1976), 129.

<sup>7</sup> John Adams, "Thoughts on Government," in American Political Writing during the Founding Era, 1760-1805, Charles S. Hyneman and Donald S. Lutz, eds. (Indianapolis: Liberty Fund, 1983), 403.

likely to aim at virtue, Adams argues, and a “government . . . whose principle and foundation is virtue” will be recognized as “better calculated to promote the general happiness than any other form.” Since “the happiness of society is the end of government,” it stands to reason that a republic is the best form of government.<sup>8</sup>

In identifying the republic with virtue, Adams follows Montesquieu, though Montesquieu does not go so far as to say that republics are the best form of government. Republics, for Montesquieu, are only one of the moderate forms of government, monarchy being the other. Each form of government, further, has a nature which defines it, and a principle or spring which impels it into action. The nature of a republic is for sovereignty to reside in the people or in a portion of the people. The principle or spring of a republic is virtue.<sup>9</sup> Montesquieu goes on to assert that “it is in the nature of a republic to have only a small territory; otherwise it can scarcely continue to exist.” This is because in a large territory, “interests become particularized,” and a citizen is drawn away from the devotion to his homeland necessary for the virtue which is the spring of republican government to develop.<sup>10</sup> The problem of faction, then, which divides and destroys republics, is to be controlled by virtue in the sovereign element of the republic. These are the fundamental requirements for a republican government, according to Montesquieu.

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<sup>8</sup> Ibid., 402.

<sup>9</sup> Montesquieu, *The Spirit of the Laws*, translated and edited by Anne Cohler, Basia Miller, and Harold Stone (Cambridge: Cambridge University Press, 1989), 28-30, 10, 21-25

<sup>10</sup> Ibid., 124.

Even in Montesquieu's formulation, considerable room for variation in the organization of government continues to exist within republics. John Adams noted that "of republics there is an inexhaustible variety, because the possible combinations of the powers of society are capable of innumerable variations."<sup>11</sup> Adams then launches into an explanation of one such combination of powers which is his preferred form of republican government. Such forms are important, he explains, because "the blessings of society depend entirely on the constitutions of government, which are generally institutions that last for many generations."<sup>12</sup> Different organization of institutions will produce altogether different constellations of blessings, dependent upon the situation of the particular country and the character of its people. The proposals Adams makes are consistent with republican principles and with the condition of the American people as they unite to throw off the yoke of the English monarchy and establish a country of their own out of the thirteen colonies. Adams's constitutional proposals in "Thoughts on Government" are similar to those practiced in the several states as well as by the Congressional government under the Articles of Confederation during the 1780s, and they bear a striking similarity to many of the arguments made by the anti-federalists against the proposed Constitution during 1787 and 1788.

Publius, in The Federalist, argues the case in favor of the republican government embodied in the Constitution of 1787. This Constitution, on first inspection, seems to

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<sup>11</sup> Adams, 403.

<sup>12</sup> Ibid., 402.

include forms which do not appear to be republican.<sup>13</sup> Publius must therefore first demonstrate the deficiencies of republics generally, and then demonstrate how the improvements upon historical republicanism contained in the new Constitution will solve the difficulties of republican government, while remaining true to republican principles. This demonstration takes form, according to Harvey Mansfield, Jr., as a movement in the argument in The Federalist “from what is republican to what is good for republican government.”<sup>14</sup>

We can see this movement in Publius’s argument for republican government first as he develops the argument for the benefit and necessity of Union, and then moves from that argument toward the achievement of good government. He does this while also providing for the security of the Union through the forms of the new Constitution.<sup>15</sup> Publius throughout recurs to the theme of republicanism, to its problems, and to the means which the new Constitution will use to overcome those very problems. It is his hope that by instituting this new Constitution, America will avoid the pitfalls of republicanism, amply demonstrated in history, and instead demonstrate a new republicanism to the world,<sup>16</sup> a more moderate republicanism free from the worst effects

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<sup>13</sup> James Ceaser captures the essence of this difficulty in his explanation of the problem of even identifying the United States as a particular type of regime. Typical examples are the use of mixed terms such as *democratic republic*, which emphasizes the popular character of the republic and differentiates it from less popular representative governments in history, or *liberal republic*, which emphasizes the protection of rights and differentiates it from classic republics which were more intrusive and less scrupulous of rights. Liberal Democracy and Political Science, 6-7.

<sup>14</sup> Mansfield, America’s Constitutional Soul, 124.

<sup>15</sup> The Federalist No. 1, 36. Charles R. Kesler, “*Federalist 10 and American Republicanism*,” in Saving the Revolution: The Federalist Papers and The American Founding (New York: The Free Press, 1987), 19-21.

<sup>16</sup> The Federalist No. 1, 33; No. 14, 104-105.

of “the violence of faction.”<sup>17</sup> Publius accomplishes this, according to Harvey Mansfield, Jr., because “in The Federalist we see the republican tradition constitutionalized and the constitutional tradition republicanized.”<sup>18</sup> It is this merging of the two distinct traditions that James Ceaser calls by the name liberal democracy, and the invention of which he attributes to the American founders as their distinct contribution to political theory.<sup>19</sup> Publius does not, however, identify his new understanding of republicanism early, because he must first consider the full scope of the question regarding the capacity of republican government to provide for Union, while at the same time remaining consistent with “the genius of the people of America.”<sup>20</sup>

The fundamental problem which republican government poses for the Union is twofold: the large size of the Union, and the tendency of republican governments to faction. The large size of the Union works against the traditional republican remedy for faction, the reliance upon virtue among the people. Under such conditions, any attempt to instill virtue in the people breaks down when faced with such wide distances and such diverse people.<sup>21</sup> Publius must, therefore, propose means other than the direct

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<sup>17</sup> Ibid., No. 10, 77.

<sup>18</sup> Mansfield, Taming the Prince, 258. See also America’s Constitutional Soul, 141-142.

<sup>19</sup> James Ceaser, Liberal Democracy and Political Science, 11-12.

<sup>20</sup> The Federalist No. 39, 240.

<sup>21</sup> But Union is necessary to republican government, as Publius shows in Numbers 3 through 8, because any division of the Union will inevitably lead to jealousies between the individual states or to foreign intervention, both of which will undermine the geographical security conducive to the preservation of republican government.

inculcation of virtue to control faction and to allow republican government to work in a large republic.

Having identified the problem of republican government, Publius calls upon improvements in “the science of politics” to assist him in making republican government manageable in a large republic. These improvements: “The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of courts composed of judges holding their offices during good behavior; the representation of the people in the legislature by deputies of their own election,” are modern discoveries or improvements. “They are means, and powerful means, by which the excellencies of republican government may be retained and its imperfections lessened or avoided.” But they are not powerful enough, for Publius must introduce his own “novel” improvement, an improvement that strikes at the heart of previous theories of republican government. Publius proposes “to add one more” improvement, “the ENLARGEMENT of the ORBIT within which such systems are to revolve.”<sup>22</sup> Publius is going to argue that far from requiring a small territory, a successful and durable republican government is best secured in a large territory. This runs directly counter to the accepted understanding of republican government at the time, particularly as represented by Montesquieu, the noted authority on the subject.

After introducing the idea in Number 9, Publius continues in Number 10 to demonstrate that a large republic can indeed control faction, that disease so common to and destructive of republican government. Indeed, at the end of his argument Publius

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<sup>22</sup> The Federalist No. 9, 72-73.

declares, "we behold a republican remedy for the diseases most incident to republican government."<sup>23</sup> This new republican remedy is necessary because as Publius realizes, "we well know that neither moral nor religious motives can be relied on as an adequate control" should "the impulse and the opportunity be suffered to coincide" in the formation of a majority faction. Since "the republican principle" of majority rule will not defeat "by regular vote" the "sinister views" of a majority faction, some other means must be found "to preserve the spirit and the form of popular government," even if that means is not itself republican in nature.<sup>24</sup>

Publius offers to us a new understanding of republican government, "by which I mean a government in which the scheme of representation takes place."<sup>25</sup> The first of the improvements in the science of politics is here introduced in terms of its operating effect. It is modern Europe, he says, "to which we owe the great principle of representation," by which "a republic may be extended over a large region."<sup>26</sup> Representation, "this great mechanical power in government,"<sup>27</sup> accomplishes two things: delegation of government to representatives, and extension of the practicable sphere.<sup>28</sup> But representation alone is not sufficient, for majority faction in a small republic can be accomplished nearly as easily through representatives as through direct democracy. Therefore, it is really the

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<sup>23</sup> Ibid., No. 10, 84.

<sup>24</sup> Ibid., 80-81.

<sup>25</sup> Ibid., 81.

<sup>26</sup> Ibid., No. 14, 100.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid., No. 10, 82. On the practicable sphere, see No. 14, 101.



extended sphere that makes representation work, which in turn makes republican government possible in a territory the size of the United States. In making the argument that the Union can indeed be governed according to republican principles, Publius collapses the argument for representation into that for the extended sphere, putting representation in service of extending the sphere.<sup>29</sup> By collapsing the argument in this manner, Publius draws attention away from the capacity for representation

to refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interests of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.<sup>30</sup>

Were representation the only constitutional improvement to pure democracy that was available, it would not be security enough against the disease of faction. Increasing the sphere of operation, though, would tend to have the desired effect of moderating the tendency to majority faction. But representation, remember, is only one of the constitutional improvements available to the framers of the new Constitution, and Publius continues to introduce those other improvements at appropriate times as he develops his argument.

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<sup>29</sup> Kesler, "Federalist 10," 37, 39. Recall my argument in Chapter Two in which I illustrate how Theodore Roosevelt attacks each of the improvements in political science except that of the extended sphere. It is the extended sphere that protects the Union, while the others to a greater extent are constitutional improvements which enable the Union to be governed better than traditional republicanism would provide for. The argument for Roosevelt's emphasis upon Union at the expense of constitutionalism and his concomitant emphasis upon virtue and duty will be made later, but the significance of the argument in Federalist 10 and 14 which makes representation subservient to the extended sphere is crucial to understanding Roosevelt's reinterpretation of American republicanism, and of American constitutionalism as well.

<sup>30</sup> The Federalist No. 10, 82.

Publius returns specifically to the consideration of republican government when he first begins to address “the merits of this Constitution.”<sup>31</sup> In doing so he appeals to men of moderation rather than partisan men at either extreme who may hold unreflective opinions regarding the Constitution, either for or against. He appeals to moderate men as those most likely to understand the difficulties inherent in such an endeavor, and therefore to not be too critical, keeping “in mind that they themselves also are but men and ought not to assume an infallibility in rejudging the fallible opinions of others.”<sup>32</sup> One of the great difficulties faced by the fallible men at the convention which Publius identifies is that of “combining the requisite stability and energy in government with the inviolable attention due to liberty and to the republican form.”<sup>33</sup> Energy is necessary to security, and stability is necessary to national character, and both are requirements for any government, not just republican government. But republican government is peculiarly prone to a deficiency of both energy and stability since

the genius of republican liberty seems to demand on one side not only that all power should be derived from the people, but that those intrusted with it should be kept in dependence on the people by a short duration of their appointments; and that even during this short period the trust should be placed not in a few, but a number of hands.<sup>34</sup>

Publius only identifies the problem here as one of great difficulty, and reserves judgment regarding the success of the convention in producing a good Constitution until there is a

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<sup>31</sup> Ibid., No. 37, 224.

<sup>32</sup> Ibid., 225-226.

<sup>33</sup> Ibid., 226.

<sup>34</sup> Ibid., 227.

more accurate view of it. There is no discussion here of the improvements in political science that make successful republican government more possible, but rather the popular character of republican government is emphasized. Publius seems here to emphasize that the Constitution, like the Union, is the people's affair, despite whatever appearance to the contrary there may be.

The popular character of republican government continues to be emphasized in Number 39, where Publius defines a republic as

a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period, or during good behavior.<sup>35</sup>

While emphasizing the popular character of republican government here, Publius introduces, very adroitly, a distinction from the definition in Number 37. Whereas in Number 37 all power was derived from the people, here it is all powers, an indication of what is to come in that "more accurate view" of the subject. He will also then reintroduce to us the product of the improvements in political science, that is, the Constitution.<sup>36</sup> In this new definition, one must also note the fact that in defining a republic so as to include all the different variants of government extant in the separate states at the time, Publius also precludes one type of republic described by Montesquieu, that based on an aristocracy.<sup>37</sup> The republican government of the United States will be democratic under

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<sup>35</sup> Ibid., No. 39, 241.

<sup>36</sup> Charles R. Kesler, "The Founders and the Classics," in The American Founding: Essays on the Formation of the Constitution, ed. J. Jackson Barlow, Leonard W. Levy, and Ken Masugi (New York: Greenwood Press, 1988), 84.

<sup>37</sup> Montesquieu, 10, 15-17, 24-25.

the new Constitution rather than aristocratic or some form of mixed regime.<sup>38</sup> But we have already seen that Publius differentiates between pure democracy and a republic based upon the application of the modern improvement of the scheme of representation. The true character of representation under the Constitution awaits further explanation by Publius.

It is not until Number 47 that Publius proceeds "to examine the particular structure of this government,"<sup>39</sup> which he alluded to in his reference to the powers of government in Number 39, and which powers he had described in Number 37 as beyond the ken of "the science of government . . . to discriminate and define, with sufficient clarity."<sup>40</sup> The structure of the government involves the separation of powers, one of the "inventions of prudence"<sup>41</sup> which Publius had identified in Number 9 as the product of improvements in the science of politics. With this topic we have the reintroduction of these improvements, or "auxiliary precautions"<sup>42</sup> as Publius calls them, into the argument in order to "first enable the government to control the governed; and in the next place oblige it to control itself."<sup>43</sup> Separation of powers encourages this by establishing

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<sup>38</sup> Martin Diamond, "Democracy and *The Federalist*" and "The Separation of Powers and the Mixed Regime," in *As Far as Republican Principles Will Admit: Essays by Martin Diamond*, ed. William A. Schambra (Washington, DC: AEI Press, 1992). Paul Eidelberg, *The Philosophy of the American Constitution* (New York: The Free Press, 1968), attempts to demonstrate that the framers of the Constitution were establishing an Aristotelian mixed regime in which the different branches of government fulfilled the roles of the different estates usually associated with this form of government.

<sup>39</sup> *The Federalist* No. 47, 301.

<sup>40</sup> *Ibid.*, No. 37, 228.

<sup>41</sup> *Ibid.*, No. 51, 322.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

the conditions by which the people can develop a reverence for the Constitution by separating themselves from actual governing, thus limiting their own intervention into matters of government.<sup>44</sup>

Publius continues his argument in Number 51, in which he “will hazard a few general observations” which may “enable us to form a more correct judgment of the principles and structure of the government planned by the convention.”<sup>45</sup> The overarching theme of this essay is Publius’s scheme of separation of powers, having in the previous essays clarified the faults of traditional conceptions of separation of powers. This scheme “to a certain extent is admitted on all hands to be essential to the preservation of liberty,”<sup>46</sup> or in other words, to provide security against majority faction. Publius begins the essay speaking of the preservation of liberty, but ends the piece discussing the pursuit of justice and the characteristic of such an organization in which “a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good.”<sup>47</sup> Publius thus alludes in this essay to the two great purposes of separation of powers, preservation of liberty and good government.<sup>48</sup> Within the argument he introduces judicial independence and tenure,

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<sup>44</sup> The Federalist No. 49, 314-315, 317. Kristol, “The Problem of the Separation of Powers,” 112-113, 116-117. Mansfield, Constitutional Soul, 16, 144, 210-211.

<sup>45</sup> The Federalist No. 51, 321.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*, 324-325.

<sup>48</sup> Charles R. Kesler, “Separation of Powers and the Administrative State,” in The Imperial Congress: Crisis in the Separation of Powers, ed. Gordon S. Jones and John A. Marini, foreword by Representative Newt Gingrich (New York: Pharos Books, 1988), 25. Harvey C. Mansfield, Jr., America’s Constitutional Soul, 115. W. B. Gwyn, The Meaning of the Separation of Powers (New Orleans: Tulane Studies in Political Science, 1965), 127.

legislative checks and balances, federalism - a new precaution which provides "a double security"<sup>49</sup>, and Publius's own extended sphere. Each of these operate under the aegis of the separation of powers, and thus we find the extended sphere here subordinated to the separation of powers. While the extended sphere is enough to provide security for the Union, only when allied with the separation of powers is the society guarded "against the oppression of its rulers," but also "one part of the society against the injustice of the other part."<sup>50</sup> Each of the modern improvements in the science of politics has now been introduced in a constitutional context, including the new improvement of federalism, and so Publius can go on to consider the application of each of the auxiliary precautions as they operate within the distinct branches of government.

The House of Representatives is the first institution Publius addresses as he moves "from the more general inquiries pursued in the four last papers" to "a more particular examination of the several parts of the government."<sup>51</sup> Here we have the beginning of the presentation of that "more accurate view" promised in Number 37, and a fuller development of the important idea of separation of powers beyond the "few general observations" Publius hazarded in Number 51. As he considers each branch in turn, Publius incorporates, under the aegis of separation of powers, the other improvements in modern political science as they are particularly appropriate to the character of each institution.

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<sup>49</sup> The Federalist No. 51, 323.

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*, No. 52, 325.

The House of Representatives is the most popular branch, the most clearly and identifiably republican of the institutions of the new Constitution. It is to have "an immediate dependence on, and an intimate sympathy with, the people."<sup>52</sup> This is made possible by the fact that "republican government presupposes the existence . . . in a higher degree than any other form" of "other qualities in human nature which justify a certain portion of esteem and confidence."<sup>53</sup> Beyond this, the House is also protected from that "degree of depravity in mankind which requires a certain degree of circumspection"<sup>54</sup> by the constitutional devices - those improvements in political science - of representation, legislative checks and balances, and an extensive territory. The House of Representatives, therefore, is the most republican branch of the new government, it most closely reflects the republican genius of the American people, but it also most closely mirrors the known defects of republican government.

The Senate is also to be representative, but less directly so than the House, and by the compromise arranged at the constitutional convention it is to represent state interests as well as constituent interests. In addition to representation, the addition of a Senate also introduces another of the improvements in political science, legislative checks and balances. The Senate is made effective as a check and balance against the House, not by representing a different class as in the mixed regimes of the past, but by most responsibly fulfilling the different conception of representation incorporated in the American

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<sup>52</sup> Ibid., 327.

<sup>53</sup> Ibid., No. 55, 346.

<sup>54</sup> Ibid.

Constitution. It is in his discussion of the Senate that Publius illuminates the different character of representation in the United States that differentiates all American representative institutions, including the House of Representatives, from any such institutions of the past. This difference is "*the total exclusion of the people in their collective capacity, from any share in the*" American governments.<sup>55</sup> Even the House of Representatives is to benefit from this constitutional separation from the people, but it is the Senate in the legislative branch that is to contain a "temperate and respectable body of citizens" that may, when necessary, act as "a defense to the people against their own temporary delusions." It is also the Senate which is to ensure that it is the "cool and deliberate sense of the community" that will "prevail over the views of its rulers" when "measures which they themselves will afterwards be the most ready to lament and condemn" are called for by the people under the stimulation of "some irregular passion, or some illicit advantage, or . . . by the artful misrepresentations of interested men."<sup>56</sup>

In Publius's discussion the House of Representatives is to have "an immediate dependence on, and an intimate sympathy with, the people" secured by "frequent elections."<sup>57</sup> The Senate, on the other hand, is to partake of a different character with Senators serving longer terms, and here Publius introduces a non-republican principle into the service of a republican government. The very character of the House of Representatives, with its tendency toward mutability of measures, points out "the

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<sup>55</sup> Ibid., No. 63, 387.

<sup>56</sup> Ibid., 384.

<sup>57</sup> Ibid., No. 52, 327.



necessity of some stable institution in the government.”<sup>58</sup> A “steady system of national policy” provides the foundation for projects of “great improvement or laudable enterprise,” but also provides against “the diminution of attachment and reverence which steals into the hearts of the people towards a political system which betrays so many marks of infirmity, and disappoints so many of their flattering hopes.”<sup>59</sup> Stability also works to cure “the want of a due sense of national character” and “the want, in some important cases, of a due responsibility to the people.”<sup>60</sup> The stability of the Senate, secured by longer terms and a different mode of appointment, promotes responsibility to the people in those objects of government “depending on a succession of well-chosen and well-connected measures, which have a gradual and perhaps unobserved operation.”<sup>61</sup>

Publius continues: “The importance of [this] description to the collective and permanent

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<sup>58</sup> Ibid., No. 62, 380. James Madison argued forcefully against the mutability of laws in his essay “Vices of the Political System of the United States,” in *The Mind of the Founder*, ed. Marvin Meyers (Hanover: Brandeis University Press, 1981), 57-65. Mutability, for Madison, was closely associated with multiplicity of laws, and the two combined tended to foster injustice in the laws, “which brings more into question the fundamental principle of republican Government, that the majority who rule in such governments are the safest Guardians both of public Good and private rights.” “Vices,” 62.

<sup>59</sup> *The Federalist* No. 62, 382.

<sup>60</sup> Ibid., No. 63, 382, 383.

<sup>61</sup> Ibid., 383. Charles R. Kesler has argued that “*The Federalist* argues that responsibility is essential to republicanism’s success and dignity - and that it is the Constitution that makes responsible republicanism possible.” Responsibility itself is a term, he points out, that is original to the statesmen of the founding, James Madison in particular, and that the notion of responsibility that provides such gravity in the government is particularly to be found in the Senate and the Presidency. “Responsibility in *The Federalist*,” *Principles: A Quarterly Review for Teachers of History and Social Science* (Fall 1994), pages 9-11 in particular. Paul Carson Peterson argues in a similar vein regarding the passage on responsibility in Number 63: “This new understanding of responsibility changes the nature of representation and provides the capacity for the exercise of statesmanship -- a quality that many of the Framers thought to be missing from state politics after the initial unity promoted by the war for independence began to break down.” Though he does not understand the newness of the very term “responsibility,” he does capture the essence of its meaning for republican government. “The Political Science of the Federalist,” (Ph.D. dissertation: Claremont Graduate School, 1980), 36.

welfare of every country needs no explanation.”<sup>62</sup> Such objects of government necessary to every country, then, are made possible by stability in the government, itself, as we saw in The Federalist Number 37, a requirement of government in general, not just republican governments.<sup>63</sup>

The purpose of these precautions applied to the Senate are not merely for stable government, but for good government, of which stability is a prime requirement. “Irregular and mutable legislation” is, according to Publius, “an evil in itself,” as well as “odious to the people” who will not settle for such a situation because they are enlightened “with regard to the nature, and interested . . . in the effects of good government.”<sup>64</sup> “A good government implies two things,” Publius later declares, “first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained.”<sup>65</sup> The Senate will provide for the latter through the higher qualifications and wisdom of its members which is encouraged by their mode of selection, and through their longer term which insulates them from the momentary passions of the people which may mislead the people. In this way representation moves from the relatively low position of providing a republican security to the country to a higher, more exalted position of encouraging, if not ensuring, good government in a secure, stable, and respectable republican country.

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<sup>62</sup> The Federalist No. 63, 383.

<sup>63</sup> *Ibid.*, No. 37, 226-227.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*, No. 62, 380.

The presidency occupies a place in the constitutional argument similar to that of the Senate, but the presidency fulfills that other requirement of all good governments mentioned in The Federalist Number 37, energy. Again, as with stability, republican government had demonstrated a past difficulty with incorporating energy into the republican scheme. According to Publius, it is not certain that the American Constitution will alleviate all the difficulties of merging energy into republican forms, since “there is an idea, which is not without its advocates, that a vigorous executive is inconsistent with the genius of republican government.” “The enlightened well-wishers” of republican government “must at least hope that the supposition is destitute of foundation,” for “energy in the executive is a leading character in the definition of good government.”<sup>66</sup> To assert the truth of the proposition that an energetic executive is incompatible with republican government would be the same as to condemn republican government of being incapable of good government. Once again, a principle not purely republican is called upon to improve the character of republican government by enhancing its capacity to successfully deal with the challenges which face any government. The executive, like the Senate, is necessary for good government, not just republican government. The challenge of combining stability and energy with republican forms is difficult at best, as Publius had argued in Number 37.

Like the Senate, the President is able to encourage good government because of a more lengthy tenure and a method of selection remote from the direct influence of the people. The measure of the executive’s compatibility with republican government is the

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<sup>66</sup> Ibid., No. 70, 423.

degree of its conformity with principles of republican safety, which are “a due dependence on the people, and a due responsibility.”<sup>67</sup> The executive, then, is also to be republican in the manner of his selection, in accordance with the definition provided by Publius in Number 39 which considers an indirect mode of selection to be consistent with republican principles. Selection alone, though, will not be the measure of the republican credentials of the president, for, like the Senate, he is to have a due responsibility to the people. An energetic president is able to “undertake extensive and arduous enterprises for the public benefit” which require “considerable time to mature and perfect”<sup>68</sup> because of the length of his term, an indirect mode of selection which distances him from the direct influence of the people, and the qualifications for the office. He is able thus to indulge himself in such projects which work to assuage his desire for honor and recognition by channeling those passions into activities acceptable to, and for the good of, a republican people. He is also able to withstand the “sudden breeze of passion” or the “transient impulse” which mislead the people regarding their true interest, and to provide the time necessary for the people to recognize their error and to recover “a more cool and sedate reflection.”<sup>69</sup> Thus, in the American President are energy and republicanism combined “as far as republican principles will admit.”<sup>70</sup>

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<sup>67</sup> Ibid., 424.

<sup>68</sup> Ibid., No. 72, 437.

<sup>69</sup> Ibid., No. 71, 432.

<sup>70</sup> Ibid., No. 77, 463.

The judiciary is the branch to which William Kristol refers as “the most distinctive part of the separation of powers, the branch least affected by the common republican form.”<sup>71</sup> It behooves us to recall that this discussion of institutions occurs within the context of the separation of powers, one of those improvements of modern political science. The judiciary benefits from another of those improvements, “the institution of courts composed of judges holding their offices during good behavior.”<sup>72</sup> This constitutional improvement is necessary in order to remove the judges from any dependence upon those who appoint them, the president in combination with the Senate. This method of appointment is the least republican of any of the branches, but is necessarily so because of the technical requirements for expertise in the law.<sup>73</sup> Publius would calm the fears of republicans, though, through his claim that “the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution,” having “neither FORCE nor WILL but merely judgment.”<sup>74</sup> But such a judiciary is necessary, “all nations hav[ing] found it necessary to establish one court paramount to the rest,” in addition to which “the want of a judiciary power” was “a circumstance which crowns the defects of the Confederation.”<sup>75</sup> The result is that,

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<sup>71</sup> Kristol, “The Problem of Separation of Powers: *Federalist* 47-51,” 125.

<sup>72</sup> The Federalist No. 9, 72.

<sup>73</sup> *Ibid.*, No. 51, 321.

<sup>74</sup> *Ibid.*, No. 78, 465. This formulation is engaging and convincing on its face, but as Charles Kesler points out, force and will are not the only attributes which Publius identifies for the other two branches. The executive also “dispenses the honors” while the legislature also “prescribes the rules by which the duties and rights of every citizen are to be regulated.” The fact that the judiciary has neither force nor will in no way precludes it from participating in these functions, which are not inconsequential. Charles R. Kesler, lecture on The Federalist, Claremont Graduate School, Claremont, CA, December 4, 1996.

<sup>75</sup> The Federalist No. 22, 150.

according to Kristol, "the judiciary may therefore be said to be a kind of will, or a power, independent of society."<sup>76</sup> Publius has here, it would appear, introduced a practice common "in all governments possessing an hereditary or self-appointed authority"<sup>77</sup> in order to secure the prospects for a successful republican government in the United States.

The republicanism of the founding was preserved by its institutionalization through the forms of the United States Constitution. The Federalist lays out the argument for such an institutionalization in a positive form by demonstrating the merits of constitutionalism in support of republican government, and as well refutes the false and mistaken claims of the Anti-Federalists who were perceived by many to be the true bearers of the republican standard. In this way Publius rehabilitated the cause of republicanism, while also making it more defensible as a stable, energetic, and ordered system of government.

### **Roosevelt and Republicanism**

The preceding, lengthy, discussion of republicanism is useful, and necessary for several reasons. First, Roosevelt clearly appears to be a dedicated proponent of popular government, of the proposition that political participation is efficacious and a healthy activity for the citizen, and of the capacity of the American people in particular to govern themselves. Second, he articulates a number of themes with great regularity in his writings that are common to republican political theory. These themes include the importance of virtue, character, duty, patriotism, martial valor, disinterestedness, self-

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<sup>76</sup> Kristol, 128.

<sup>77</sup> The Federalist No. 51, 324.

sacrifice, glory, and honor to the preservation of the regime. Third, Roosevelt claims to be a profound admirer and student of The Federalist, yet his political career seems to evidence a certain distrust of and disregard for those portions of The Federalist that argue for constitutionalizing republican government in an effort to preserve and maintain it. These attributes of Roosevelt suggest a republican emphasis in his political thought that is admirable in itself, even if he does tend to neglect or distrust the value of the constitutionalism designed by the framers of the Constitution to protect and preserve republican government. The possibility exists that these attributes do indicate a recurrence to republican political theory as a conscious alternative to the constitutionalism of the founding. The same ideological conceit which consigns the writers and statesmen of the founding era to insignificance<sup>78</sup> also seems to bind Theodore Roosevelt to the late-nineteenth-century progressive context in which he lived and worked. The fact that Roosevelt considered himself to be an historian, combined with his practice of constant recurrence to historical examples in his writing lend credence to the possibility that he may have looked to earlier statements of political theory upon which to base his own recommendations for solutions to the ills of his own day. And since there are an inexhaustible variety of republics, Roosevelt offers yet another prescription. His, no less than the constitutional version, must be viewed in terms of its capacity to alleviate the known ills of republican government.

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<sup>78</sup> For one clear statement and refutation of this conceit see Martin Diamond, "Democracy and *The Federalist*: A Reconsideration of the Framers' Intent," in As Far as Republican Principles Will Admit: Essays by Martin Diamond, ed. William A. Schambra (Washington, DC: AEI Press, 1992), 17-19.

What remains is to take his rhetoric seriously and to attempt to determine by his own words whether any conclusions may reasonably be drawn from their apparent similarity to overtly theoretical treatises of political philosophy. Roosevelt considered The Federalist to be an analysis of "difficult questions of our political life from the standpoint both of practice and of theory,"<sup>79</sup> and that this was its greatest recommendation. Roosevelt's recognition of the importance of combining both practical knowledge and theoretical knowledge should indicate the possibility that his own works may, at least to some extent aspire to the same standard. That Roosevelt considered the changed conditions of his age to require, at the very least, modifications in political and government practice is clear.<sup>80</sup> Whether his proposals offer a realistic solution to those problems that is superior to the constitutional design of the founding is questionable.

### *Popular Government*

Theodore Roosevelt was from the earliest days of his political involvement more devoted to pure democratic practice than many of his colleagues, but he was, in addition, firmly convinced of the efficacy of political activity in achieving the goals of social and political reform. In his Autobiography, recounting the tale of his entry into politics, he declared that he "intended to be one of the governing class."<sup>81</sup> His actions as a member of the governing class, as an Assemblyman from New York City, demonstrated an early commitment to social reform, to good government, to democratic selection of

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<sup>79</sup> Works, XIII: 351. See also pages 41, 44.

<sup>80</sup> Works, XIII: 294, 343, 347, 360, 363; XV: 92.

<sup>81</sup> Autobiography, Works, XX: 59.



officeholders, and to the personal integrity of officeholders. His commitment to these principles of political action were made apparent through his own actions in a variety of political offices, from state legislator, to bureaucrat in the Civil Service Commission, President of the Police Commission of New York City, as Assistant Secretary of the Navy, and chief executive as Governor of New York and President of the United States.

His view was that in order to do good work, good men had to become involved in politics, be elected to positions of political responsibility, and thus improve the political environment as well as to improve the policy and law that is the product of government. As an example, "it is proper to demand more from the man with exceptional advantages than from the man without them. A heavy moral obligation rests upon the man of means and upon the man of education to do their full duty by their country." The "man of business and the man of science, the doctor of divinity and the doctor of law, the architect, the engineer, and the writer, all alike owe a positive duty to the community, the neglect of which they cannot excuse on any plea of their private affairs." The "educated man must realize that he is living in a democracy, and under democratic conditions, and that he is entitled to no more respect and consideration than he can win by actual performance."<sup>82</sup> Democratic politics is a "hurly-burly" that involves "contact with the rough people who do the world's work."<sup>83</sup> So "the man desirous of doing good political work is [in] need of the rougher, manlier virtues, and above all the virtue of personal

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<sup>82</sup> "The College Graduate and Public Life," Works, XIII: 36, 37, 38.

<sup>83</sup> *Ibid.*, 41, 40.

courage, physical as well as moral.”<sup>84</sup> In short, democratic politics requires men of character, but it also relies upon the character of the democratic people, a character developed over generations and centuries of progress in the practice of liberty.

When Roosevelt says “we have in this country an equality of rights,”<sup>85</sup> he is referring to a condition rather than making a statement of political principle. What produces equality of rights is not adherence to a political goal of achieving rights inherent in the nature of man that go unrecognized in the politics of authoritarian or despotic governments, but rather, such equality of rights is a product of habit, practiced over generations, and improved upon slowly depending upon the movement of peoples, the geography of the territory they inhabit, as well as the political practices, theory, and institutions under which they mature. While the United States Constitution may be in “accordance with the principles of abstract right,”<sup>86</sup> it instituted a government for the American people “suited to its own individual character, and to the stage of political and social development it had reached” in a practical sense and “not according to any abstract theory or set of ideal principles.”<sup>87</sup> Roosevelt does not identify those principles of abstract right with which the Constitution is in accord, but the terminology leads one more toward G. W. F. Hegel than to Thomas Jefferson and the other Founding Fathers

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<sup>84</sup> “The Manly Virtues and Practical Politics,” Works XIII: 32. Also, “the men who wish to work for decent politics must work practically, . . . and, while being disinterested, unselfish, and generous in their dealings with others, they must also show that they possess the essential manly virtues of energy, of resolution, and of indomitable personal courage.” Page 35.

<sup>85</sup> “The College Graduate and Public Life,” Works, XIII: 36.

<sup>86</sup> Gouverneur Morris, in Works, VII: 326.

<sup>87</sup> *Ibid.*, 322.

responsible for the Declaration of Independence and its statement of natural and unalienable rights endowed by their creator.<sup>88</sup>

The character of the American people, according to Roosevelt, is rooted in Anglo Saxon and Teutonic history. According to Montesquieu, "if one wants to read the admirable work by Tacitus, On the Mores of the Germans, one will see that the English have taken their idea of political government from the Germans. This fine system was found in the forests."<sup>89</sup> Roosevelt follows this historical interpretation of English constitutionalism in his The Winning of the West. In England, he writes, "that branch of the Germanic stock which was in the end to grasp almost literally world-wide power, and by its overshadowing growth to dwarf into comparative insignificance all its kindred folk" took root. Only in England, apart from the German homeland, did the conquering Germans not adopt from their subjects "their laws, their culture, and their language."<sup>90</sup> Thus the Teutonic habits were transferred unchanged to England where the constitutional development of the English pursued a slightly different course from that of their mainland German cousins, which included a change of language to English along the way. After about 1600, "the spread of the English-speaking peoples over the world's

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<sup>88</sup> The use of the term abstract right has a particularly Hegelian ring to it. Hegel devotes the entire first part of his Elements of the Philosophy of Right to the topic of Abstract Right, following his preface and introduction. Thus, abstract right forms the foundation of his philosophy of right which culminates in the ethical state. The question of the influence of Hegelian, or more generally German, statist ideas upon Roosevelt will be explored more deeply in the next chapter. G. W. F. Hegel, Elements of the Philosophy of Right, ed. Allen W. Wood (Cambridge, Cambridge University Press, 1991).

<sup>89</sup> The Spirit of the Laws, 165-166. Woodrow Wilson expands this connection to the United States. "To the present day our institutions rest upon foundations as old as the Teutonic peoples," Woodrow Wilson, The State (Boston: D. C. Heath & Company, 1900), para. 1064, pg. 457.

<sup>90</sup> The Winning of the West, in Works, VIII: 5, 4.

waste spaces" was "the most striking feature in the world's history" and "the event of all others most far-reaching in its effects and its importance."<sup>91</sup>

The American people separated from the English, as the English had from the Germans, and continued the long course of the development of Anglo Saxon constitutional development along a slightly different path than that of their English cousins. Thus, the American Revolution was not a revolution based upon political principle, but rather the natural separation of two peoples with a common heritage grown apart because of different conditions and a convenient geographical separation, but yet retaining the race inheritance of their ancestors.<sup>92</sup> Further, the significance of the American expansion across the continent to the Pacific Ocean, "the vast movement by which this continent was conquered and peopled," requires an understanding of "the past race-history of the nations who took part therein."<sup>93</sup> Not only was the character of the people important to the expansion of the American people across the continent, but the conditions of that expansion in the face of stiff opposition against a formidable foe, according to Roosevelt, sharpened the natural characteristics of the race during that expansion. The character of these pioneers was made up of "stern stuff," it was "warlike," and it was "extremely militant."<sup>94</sup> These were the qualities necessary for the

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<sup>91</sup> Ibid., 3.

<sup>92</sup> Ibid., 11. Roosevelt and Woodrow Wilson share much in common in this interpretation of the constitutional development of the Anglo-Saxon people through its various manifestations. Woodrow Wilson, The State, paragraphs 1032-1064, pp. 438-457. While Wilson's book is an exhaustive treatment of institutions and law from an historical-comparative approach, Roosevelt in The Winning of the West and Thomas Hart Benton was "more interested in the men themselves than in the institutions through and under which they worked." Letters I: 440.

<sup>93</sup> The Winning of the West, in Works, VIII: 7.

<sup>94</sup> Thomas Hart Benton, in Works, VII: 6.

conquest and peopling of the continent, and that project was a good thing for it produced a larger, stronger Union, fostered a sentiment in favor of the Union, and allowed those people on the vanguard of settlement to act as "pioneers of civilization."<sup>95</sup>

The character of the settlers that moved west was distinctly democratic in practice,<sup>96</sup> conditioned by the harsh existence of wilderness life which entailed considerable engagement in persistent warfare with the Indians opposing the settlers westward expansion. These early settlers "were in search of homes, not of riches," were composed of "individuals and single families" who primarily "moved in bands, with their wives and their children, their cattle and their few household goods," and where they settle they established "a village or small town."<sup>97</sup> These communities developed a distinct identity, feeling "themselves to be closely knit together by ties of blood, sentiment, and interest," and as a whole, developed a distinctly western identity.<sup>98</sup> This western identity was reflected in the political leaders from the region: Jackson, Clay, and Benton, for example, who, like the populace, were "more for the West against the East, and most strongly of all for the Union as against any section whatsoever."<sup>99</sup> The conditions, combined with their experience and attitudes, created a body of citizens marked by a "sullen and almost defiant self-reliance," and a "peculiarly American spirit

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<sup>95</sup> The Winning of the West, Works, VIII: 13.

<sup>96</sup> Ibid., IX: 11-14.

<sup>97</sup> Benton, Works, VII: 5.

<sup>98</sup> Ibid., 9.

<sup>99</sup> Ibid., 10.

of individual self-sufficiency” that was impatient of “outside interference or control, to a degree not known elsewhere.”<sup>100</sup> The responsibilities and duties imposed upon individuals for sheer survival under wilderness conditions, together with the general poverty in material conditions among the settlers, and the separation from centers of culture and learning combined to create an equality of condition among the settlers conducive to sustaining a democratic sentiment. This democratic sentiment, Roosevelt argues, had its victory over the more stratified and cultured Northeast in the election of 1828 when Andrew Jackson won election to the presidency.

While the election “represented the overwhelmingly successful upheaval of the most extreme Democratic elements in the community,”<sup>101</sup> it is clear that Roosevelt did not consider this an altogether fortuitous outcome. It was not the democratic character of the election that disturbed Roosevelt, but that the animosity the westerners felt for the northeasterners could manifest itself in so damaging a form as to result in the establishment of the spoils system which threw out of office many capable and dedicated public servants who theretofore had weathered the changes of party and administration. This “change was the deliberate choice of the great mass of the people,” and it was the original cause, in Roosevelt’s estimation, of “that downward career of progressive debasement and deterioration” in the public service “which has only been checked in our own days.”<sup>102</sup> The stern virtue and militant spirit of the settlers in the West were vital to

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<sup>100</sup> Ibid., 12.

<sup>101</sup> Ibid., 46. We once again see here the similarity between Theodore Roosevelt and the Founders in their mutual appreciation of impartial and non-partisan government administration.

<sup>102</sup> Ibid., 48.

the survival and preservation of the American democratic system, and the decline of these attributes in the Northeast, which seemed to decline in inverse proportion to the increase in wealth and stratification, "was much to be regretted."<sup>103</sup> This argument would prove to be a continuing theme in Roosevelt's writings. The excesses of individualism which fostered a spirit of anarchy or separatism, and the excesses of a supposed plutocracy which had lost touch with the stern American virtues were both dangers to the preservation of the Union, according to Roosevelt, and thus must be offset by strengthening the middle ground between the two by drawing the members of the extremes toward that middle ground in a dedication to the welfare of the whole public.

Roosevelt's own democratic credentials were sound. His political goals were not, however, to increase the scope of democratic practice as a solution to the problems which he identified, but to improve the practice of that habitual democracy so natural to the character of the American people. Part of the solution for the problem of increased political influence by powerful interests was to increase political participation among those classes most likely to avoid the rough and tumble of partisan politics. This is the subject of essays written by Roosevelt such as "American Ideals," published in 1895; "The Manly Virtues and Practical Politics," published in 1894; "The College Graduate and Public Life," published in 1894; and "Machine Politics in New York City," published in 1886, among others.<sup>104</sup>

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<sup>103</sup> Ibid., 26.

<sup>104</sup> These essays are collected in Roosevelt's volume American Ideals, Works, XIII.

A major theme in each of these essays is the duty of all citizens, "every true American,"<sup>105</sup> to participate in democratic politics. There is, though, a higher duty that especially falls upon "the man of means and the man of education,"<sup>106</sup> the "reputable private citizens of small means," the "really wealthy," the "people of culture and high education,"<sup>107</sup> to work to resist the "foes of order," the "criminals of the wealthy class," the "professional labor agitator," the "reckless labor agitator," and the "legislator, who to catch votes denounces the judiciary and the military because they put down mobs."<sup>108</sup>

"The chief causes thus operating against good government," according to Roosevelt, "are the moral and mental attitudes towards politics assumed by different sections of the voters. A large number of these are simply densely ignorant, and, of course, such are apt to fall under the influence of cunning leaders, and even if they do right, it is by hazard merely."<sup>109</sup> Democracy is fundamental for Roosevelt, and because it is based not upon political principle derived from natural right, but from the habit of long practice which can be influenced by conditions which may alter the character of the people, political means must be found to preserve or restore sound democratic character in the people. Roosevelt, even though he is profoundly democratic, thus departs from progressive intellectuals who advocate more democracy as a solution for the ills of democracy, because he does not, as they do, find wisdom in the masses that must be given voice, but

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<sup>105</sup> "American Ideals," Works, XIII: 9.

<sup>106</sup> "College Graduate," Works, XIII: 36.

<sup>107</sup> "Machine Politics in New York City," Works, XIII: 81, 82.

<sup>108</sup> "American Ideals," Works, XIII: 6.

<sup>109</sup> "Machine Politics," Works, XIII: 78.



rather attempts to introduce greater wisdom into democracy by increasing political participation among those people who might improve political life by their participation but who have tended to avoid politics because of the low practices common to democratic politics. The extremes of plutocracy and anarchy which Roosevelt identifies might each be considered the result of democratic individualism, as Tocqueville described it. But where Tocqueville described the success of the Americans in overcoming individualism through local freedom, Roosevelt wants to overcome the difficulties of individualism through concentrating power in the central government and regulating those activities which pose an individualistic hazard to the regime.<sup>110</sup>

Roosevelt also maintains impressive credentials as a reformer, despite the criticisms of those who have tried to label him as a staunch, or even reactionary, conservative.<sup>111</sup> As a young legislator in Albany he had worked to alleviate the poor working conditions of cigar makers living and working out of their tenements, undertook an investigation of a powerful and corrupt judge involved in granting favors to railroad

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<sup>110</sup> Alexis De Tocqueville, Democracy in America, a New Translation by George Lawrence, ed. J. P. Mayer (Garden City, NY: anchor Books, 1969), 506-513. Tocqueville defines individualism as "a calm and considered feeling which disposes each citizen to isolate himself from the mass of his fellows and withdraw into the circle of family and friends; with this little society formed to his taste, he gladly leaves the greater society to look after itself" (506). What Roosevelt called individualism is what Tocqueville would term "egoism," which is "a passionate and exaggerated love of self which leads a man to think of all things in terms of himself and to prefer himself to all" (506).

<sup>111</sup> Hofstadter, The American Political Tradition, despite recounting a long list of Roosevelt's progressive reform accomplishments, nonetheless unceremoniously ejects him from the ranks of true reformers and into the ranks of the conservatives. Gabriel Kolko, The Triumph of Conservatism (Chicago: Quadrangle Books, 1967), does much the same because many of Roosevelt's policies as president tended to receive support from capitalist industries that were supposed to be the subject of government regulation. Both of these authors fail to analyze what Roosevelt was trying to conserve because they look more to the economic and social outcomes of his policies which differed from their preferred results. They therefore do not see that what Roosevelt accomplished may have been a fundamental constitutional reform under the aegis of conserving a unified American State.

magnates, supported civil service reform, and proposed a successful revision of New York City governmental procedure which increased the power and the democratic accountability of the Mayor.<sup>112</sup> Roosevelt continued to pursue these reform activities in his various positions, encompassing a growing body of economic and social concerns as the years passed.

At least two things remained constant through these years as he appeared to grow more liberal in his policy recommendations, and which are readily recognizable in the exposition of his stewardship theory in the Autobiography of 1912. First, he remained convinced of man's political capacity to solve many of the problematic issues of the time through the application of a practical politics supported by the advances of modern science and industry. Second, he never wavered from a dedication to finding the means by which to overcome the inconveniences of divided power in the government, and thereby of "increasing and centring genuine responsibility."<sup>113</sup>

Roosevelt thought "we Americans have, on the whole, a right to be optimistic; but it is mere folly to blind ourselves to the fact that there are some black clouds on the horizon of our future."<sup>114</sup> In this view, he expressed an opinion fairly common at the time, and one expressed in very similar terms by his friend Lord Bryce in The American

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<sup>112</sup> Works, XIV: 3-36.

<sup>113</sup> "The College Graduate and Public Life," Works, XIII: 43.

<sup>114</sup> "American Ideals," Works, XIII: 6. See also "True Americanism," Ibid., 15. "We Americans have many grave problems to solve, many threatening evils to fight, many deeds to do, if, as we hope and believe, we have the wisdom, the strength the courage, and the virtue to do them. But we must face facts as they are. We must neither surrender ourselves to a foolish optimism, nor succumb to a timid and ignoble pessimism. Our nation is that one among all the nations of the earth which holds in its hands the fate of the coming years. We enjoy exceptional advantages, and are menaced by exceptional dangers; and all signs indicate that we shall either fail greatly or succeed greatly."

Commonwealth.<sup>115</sup> Roosevelt, however, did not subscribe to the theories of economic or democratic determinism that were gaining increased acceptance among members of the progressive reform community at the time, though it was not unusual for him to view politics through the lens of economic analysis. Political action in favor of good government must be undertaken by men and women of good character and moral strength if the country were to "solve the terrible social problems which all the civilized world is now facing."<sup>116</sup> Roosevelt preached that "if we are to be a really great people, we must strive in good faith to play a great part in the world. We can not avoid meeting great issues. All that we can determine for ourselves is whether we shall meet them well or ill."<sup>117</sup> These problems would not take care of themselves, he argued, either through the impersonal working out of a progressive historical design, through increasingly democratic or economic means, nor even through the institutional means of legislation and execution in the American constitutional system, and in fact might be exacerbated by these forces if left to themselves. For, according to Roosevelt,

It is this capacity for sympathy, for fellow-feeling and mutual understanding, which must lie at the basis of all really successful movement for good government and the betterment of social and civic conditions. There is no patent device for bringing about good government. Still less is there any patent device for remedying social evils and doing away with social inequalities. Wise legislation can help in each case, and crude, vicious, or demagogic legislation can do an infinity of harm. But the betterment must come through the slow workings of the same forces which always have tended for righteousness, and always will.

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<sup>115</sup> Vol. II: 701. "So America, in her swift onward progress, sees, looming on the horizon and now no longer distant, a time of mists and shadows, wherein dangers may lie concealed whose form and magnitude she can scarcely yet conjecture. . . . In fact the chronic evils and problems of old societies and crowded countries, such as we see them to-day in Europe, will have reappeared on this new soil."

<sup>116</sup> "American Ideals," Works, XIII: 10.

<sup>117</sup> "The Strenuous Life," Works, XIII: 322.

The prime lesson to be taught is the lesson of treating each man on his worth as a man, and of remembering that while sometimes it is necessary, from both a legislative and social standpoint, to consider men as a class, yet in the long run our safety lies in recognizing the individual's worth or lack of worth as the chief basis of action, and in shaping our whole conduct, and especially our political conduct, accordingly. It is impossible for a democracy to endure if the political lines are drawn to coincide with class lines.<sup>118</sup>

The case for optimism is based upon the capacity to meet the challenges of the future among the citizens of a great country, and any who "wishes to deserve the name of freeman" must "do his full share in the hard and difficult work of self-government."<sup>119</sup>

For Roosevelt, accomplishing this second goal most often meant increasing the power of the executive, although he did grant recognition to speaker of the House of Representatives Thomas Reed for his success in centering power in his office and thereby passing an ambitious legislative agenda during the Fifty-first Congress.<sup>120</sup> In other cases, while a member of the New York state legislature he had fought to reform New York City government to increase the strength and administrative centralization of the mayor's office. Also, as both Civil Service Commissioner and New York City Police Commissioner he entertained plans to centralize authority in a single person rather than in the multiple member boards on which he served.<sup>121</sup>

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<sup>118</sup> "Fellow-Feeling as a Political Factor," Works, XIII: 360.

<sup>119</sup> "The Manly virtues and Practical Politics," Works, XIII: 34.

<sup>120</sup> Works, XIV: 128-130, 131-133; 170-171, 173-175.

<sup>121</sup> Edmund Morris, The Rise of Theodore Roosevelt, 423, where it is recounted that Roosevelt disagreed with a plan to reform the Civil Service Commission to have a single commissioner, but on prudential rather than principled grounds. Autobiography, Works, XX: 175-176, 191-192. Works, XIV: 238.

Roosevelt preached, then, the dual message of human capacity to accomplish great work and government responsibility to pursue social ends, all in the name of American democracy. This preaching, however, entailed political practices that diverged from traditional American political practice, and opened new channels for the abuse of government power by overturning traditional protections against demagogic speech.<sup>122</sup> An unceasing critic of demagoguery, he seemed at times to come perilously close to practicing it himself in the service of reform and for the cause of clean and honest government, the only seeming brake being his own stern virtue. He practiced, insofar as he was able, the same stern virtues he praised in those free and equal settlers who tamed a wilderness in the service of increasing the boundaries of the United States across the continent.

It was the individual welfare of the people, he was convinced, that was the immediate concern of the government because the government was the only institutional force in American life which could combat the forces of plutocracy and anarchy which he had identified as particularly dangerous to the American future. It was to this social problem, then, that he directed a considerable portion of his vast energies. Therefore, in his appeals to the common man, he never flinched from what he perceived as his duty to pursue the best interests of each individual, which entailed preaching the gospel of morality, the importance of character, and the vital necessity of personal responsibility.

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<sup>122</sup> James Ceaser, Presidential Selection, and Jeffrey Tulis, The Rhetorical Presidency, both document the changes in rhetorical practice that took place during the progressive era in the area of presidential rhetoric. Each discusses the fear of demagoguery with which the Framers of the Constitution attempted to deal through institutional means. Each, in my opinion, however, shortchanges the depth of the significance of Theodore Roosevelt in accomplishing a transformation in rhetorical practice which worked to undermine constitutional government.

The strong character of the people, reflecting the inheritance of their race, secured a decent democracy dedicated to duty, family, country rather than to an unmitigated pursuit of individual rights.

*Classic Republicanism in Roosevelt's Thought*

The constant recurrence in Theodore Roosevelt's writings to the personal as opposed to the institutional, and to duty and virtue as opposed to rights, leads one to search beyond the American constitutional tradition, for his thought does not reflect the institutional correctives to the excesses of democracy that are found in the Constitution. Nor does his thought reflect the emphasis upon rights based in either the natural rights teaching of the Declaration of Independence or a primary emphasis upon the ultra-democratic rights of social and economic equality emerging from progressive thinkers of his time, though his thought does partake of a certain flavor of the latter.<sup>123</sup> We have seen that Roosevelt was fundamentally a democrat, but his prescriptions for dealing with the inconveniences of democracy are interesting and noteworthy.

Edmund Morris, one of Roosevelt's best biographers, has written in The Rise of Theodore Roosevelt that

Roosevelt spent much of his time during the years 1893-95 formulating theories of Americanism, partly under the influence of [Frederick Jackson] Turner, but mostly under the influence of his own avidly eclectic reading. Gradually the theories coalesced into a philosophy embracing practically every aspect of American life, from warfare to wild flowers. He began to publish patriotic articles with titles like 'What Americanism Means,' and continued to write such pieces, with undiminished fervor, for the rest of his life. In addition he preached the gospel of Americanism, ad nauseam, at every public or private opportunity.<sup>124</sup>

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<sup>123</sup> Autobiography, Works, XX: 463-464.

<sup>124</sup> Morris, 467.

These theories of Americanism are best and most fully developed in The Winning of the West, according to Morris.

*The Winning of the West*, which occupied Roosevelt, on and off, for nearly nine years, was the first comprehensive statement of his Americanism, and, by extension (since he 'was' America), of himself. All his previous books had been, in a sense, sketches for this one, just as his subsequent books were postscripts to it, of diminishing historical and psychological interest. One by one, themes he had touched on in the past came up for synthesis and review: the importance of naval preparedness, and effect of ethnic derivations on fighting blood (*The Naval War of 1812*); the identity of native Americans with their own flora and fauna (*Hunting Trips of a Ranchman*); the doctrine of Manifest Destiny (*Thomas Hart Benton*); the need for law and order in a savage environment (*Ranch Life and the Hunting Trail*); the significance of the United States Constitution (*Gouverneur Morris*); the problems of free government (*Essays in Practical Politics*); and the social dynamics of immigration (*New York*).

Nothing written prior to Roosevelt's Presidency shows the breadth of his mind to greater advantage than the introduction to *The Winning of the West*, which makes it clear that his specific subject - white settlement of Indian lands west of the Alleghenies in the late eighteenth century - is but a chapter in the unfolding of an epic racial saga, covering thousands of years and millions of square miles. The erudition with which he traces the 'perfectly continuous history' of Anglo-Saxons from the days of King Alfred to those of George Washington is impressive.<sup>125</sup>

Morris is unusual in ascribing such depth and pattern to Roosevelt's writings. He even finds "a striking flood metaphor" in The Winning of the West by which Roosevelt "achieves the effect of ever-widening waves by making his chapters overlap, every one moving farther afield geographically, and further ahead in time."<sup>126</sup> Morris, however, is not willing to grant to Roosevelt the same level of sophistication in his political writings as in his historical work. Those essays, so "sterile, banal, and so droningly repetitive as to defeat the most dedicated researcher,"<sup>127</sup> were, at least in collected form, in Roosevelt's

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<sup>125</sup> Ibid., 462.

<sup>126</sup> Ibid., 463.

<sup>127</sup> Ibid., 467.

words, his “politico-social” essays and “my philosophy of life,” speaking respectively of American Ideals and The Strenuous Life.<sup>128</sup> One might even carry this a bit further, and simplify Roosevelt’s words further by referring to these works as his politics and ethics.

The organization of the essays in American Ideals in its flow, evidences a certain reflective depth of thought. The book begins with a critique of commercialism in “American Ideals,” then continues to discussions of citizenship in “True Americanism,” and the political role of the best, the most virtuous, and most educated citizens in “The Manly Virtues and Practical Politics,” and “The College Graduate and Public Life.” Roosevelt next introduces a section that addresses the stresses which self-interest, corruption, and demagoguery place upon preservation of the regime in the essays “Phases of State Legislation,” “Machine Politics,” and “The Vice Presidency and the Campaign of 1896.” Next Roosevelt lays out some principles for preserving the regime in “How Not to Help Our Poorer Brother,” “The Monroe Doctrine,” and “Washington’s Forgotten Maxim.” Finally, in three book reviews, Roosevelt addresses human nature and its potential, individually as well as socially and politically in “National Life and Character,” “Social Evolution,” and “The Law of Civilization and Decay.” The pattern as I have sketched it out should indicate to us that Roosevelt has a first-rate mind capable of crafting a work that speaks to us not only in its words but in its organization and development as well.

The Strenuous Life does not appear as coherently organized as American Ideals, but still manifests some indications of careful preparation that are worthy of notice. As

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<sup>128</sup> Letters, I: 624-625; II: 1424.



originally published, the book had thirteen chapters, of which the first nine addressed virtues in the abstract.<sup>129</sup> Roughly speaking, the first two deal with national government action, the next four with individual action, and the last three with politicians. Essays ten through thirteen deal with issues of ethical preparation and application.<sup>130</sup> They deal with education and the virtues, national security and the virtues, especially as exemplified in the Spanish-American War, and two exemplary war heroes who led American forces to military victory. In addition to these, six essays were added in two later editions, a major theme of each being collective action and the expansion of government activity.<sup>131</sup>

Several themes recur consistently throughout these essays. One is the analytical comparison between individual and nation. The nation no less than the individual requires the virtues of common sense, courage, and morality.<sup>132</sup> This comparison of the nation and the individual is reminiscent of the search for justice in the individual in Plato's Republic by seeking it first writ large in the city.<sup>133</sup> Another theme is the necessity of virtue and work, captured eloquently in the lead paragraph of "The Strenuous Life," the first essay in the book:

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<sup>129</sup> The titles of the first nine chapters of The Strenuous Life are as follows: The Strenuous Life; Expansion and Peace; Latitude and Longitude Among Reformers; Fellow-Feeling as a Political Factor; Civic Helpfulness; Character and Success; The Eighth and Ninth Commandments in Politics; The Best and the Good; and Promise and Performance.

<sup>130</sup> The titles of these essays are: The American Boy; Military Preparedness and Unpreparedness; Admiral Dewey; and Grant.

<sup>131</sup> These titles are: The Two Americas; Manhood and Statehood; Brotherhood and the Heroic Virtues; National Duties; The Labor Question; and Christian Citizenship.

<sup>132</sup> Works, XIII: 321, 323, 328, 332, 386, 449, 473, 474-475, 489, for example.

<sup>133</sup> Plato, The Republic of Plato, translated, with notes and an interpretive essay, by Allan Bloom (New York: Basic Books, 1968), 368e-369a.

I wish to preach, not the doctrine of ignoble ease, but the doctrine of the strenuous life, the life of toil and effort, of labor and strife; to preach that highest form of success which comes, not to the man who desires mere easy peace, but to the man who does not shrink from danger, from hardship, or from bitter toil, and who out of these wins the splendid ultimate triumph.<sup>134</sup>

A third theme is a hierarchy of duties, beginning with duties to oneself, then to one's family, and then to one's community and State.<sup>135</sup> The fourth recurring theme is the insufficiency of laws and institutions.<sup>136</sup>

One final comment must be made on The Strenuous Life. The theme of chapter nine, "Promise and Performance," the last of the "abstract" chapters, is a sobering one indeed.<sup>137</sup> In this chapter, Roosevelt questions the capacity of man for self-government. He introduces the essay with a discussion of Machiavelli. After quickly admitting that "it is customary to express wonder and horror at the cynical baseness of the doctrines of Machiavelli," Roosevelt continues on to his main theme of the dangers of a discrepancy between promise and performance. In so doing he argues that "the wonder and horror" usually associated with the name of Machiavelli is justified, though "it would perhaps be wiser to keep them for the society which the Italian described rather than for the describer himself." The problem is that "Machiavelli rests his whole system upon his contemptuous belief in the folly and the low civic morality of the multitude, and their demand for fine promises and their indifference to performance," and is, in the main,

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<sup>134</sup> Works, XIII: 319.

<sup>135</sup> For example: Works, XIII: 328, 458, 471, 473, 487, 497, 498.

<sup>136</sup> For example: Works, XIII: 360, 471, 484, 446.

<sup>137</sup> The title of this chapter, Promise and Performance, was suggested by Roosevelt as one of the two possible titles for the work as a whole. Letters, II: 1303.

justified in this belief.<sup>138</sup> It is only the “hard-headed common-sense” of the American people that saves them from this fate themselves, and provides “the best possible proof and guarantee of their capacity to perform the high and difficult task of administering the greatest Republic upon which the sun has ever shone.”<sup>139</sup> This is so because “the best scheme of government can do little more than provide against injustice,” but “something can be done by the State acting in its collective capacity.”<sup>140</sup> Roosevelt here demonstrates his low opinion of the potential for constitutional mechanisms to ameliorate the weaknesses of democratic government, and his trust in the race characteristics of the American people to provide ample security for the regime through their capacity for virtuous self-government. Roosevelt ends by appealing to two ancient Greeks in support of his assertion that performance requires coordinating practical solutions in pursuit of high ideals, or, bringing promise and performance into conformity one with another.

The problems that confront us in this age are, after all, in their essence the same as those that have always confronted free peoples striving to secure and to keep free government. No political philosopher of the present day can put the case more clearly than it was put by the wonderful old Greeks. Says Aristotle: ‘Two principles have to be kept in view: what is possible, what is becoming; at these every man ought to aim.’ Plato expresses precisely the same idea: ‘Those who are not schooled and practiced in truth [who are not honest and upright men] can never manage aright the government, nor yet can those who spend their lives as closet philosophers; because the former have no high purpose to guide their actions, while the latter keep aloof from public life, having the idea that even while yet living they have been translated to the Islands of the Blest. . . . [Men must] both contemplate the good and try actually

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<sup>138</sup> “Promise and Performance,” *Works*, XIII: 395.

<sup>139</sup> *Ibid.*, 396.

<sup>140</sup> *Ibid.*, 398.

to achieve it. Thus the state will be settled as a reality, and not as a dream, like most of those inhabited by persons fighting about shadows.<sup>141</sup>

Roosevelt's biographical works also provide opportunity for reflection upon the sophistication of Roosevelt's political thought. Again, it would be perhaps vain to argue that there was a conscious design in the selection of the subjects of his biographies, for two of the three were selected by another and offered to him under contract. It is significant to note, however, that Roosevelt took the opportunities available to him through these biographies and included his views by working them into the story of the lives of Benton and Gouverneur Morris. The race characteristics of the Americans are a prominent feature of the early chapters of the Benton biography. Roosevelt here lays the foundation for his later history, The Winning of the West. He also took the opportunity in the Morris biography to inject his views on the Constitution in the chapter covering Morris's participation in the Constitutional Convention of 1787. Roosevelt himself selected Oliver Cromwell as the subject of his third biography. So, in the end, what one sees, looking at the three together, is a description of the characteristics of the free American people in Thomas Hart Benton, a discussion of the Constitution which organizes the government by which these free people choose to govern themselves in

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<sup>141</sup> Ibid., 400. These quotations are Roosevelt's own, "translated freely and condensed." The quotation from Plato is from The Republic, Book VII, 519b-520d. While most of the translation is similar to other translations, the sentence "[Men must] both contemplate the good and try actually to achieve it," seems to be a very loose translation of Plato's "But you we have begotten for yourselves and for the rest of the city like leaders and kings in hives; you have been better and more perfectly educated and are more able to participate in both lives. So you must go down, each in his turn, into the common dwelling of the others and get habituated along with them to seeing dark things. and, in getting habituated to it, you will see ten thousand times better than the men there, and you'll know what each of the phantoms is, and of what it is a phantom, because you have seen the truth about fair, just, and good things." The Republic of Plato, Bloom trans., 520b-c. The ellipsis omits Plato's discussion of how philosophers are to be obligated to rule, and the justice of such an obligation.

Gouverneur Morris, and a biography of a statesman who ruled a commonwealth during the English interregnum in the Oliver Cromwell. It is intriguing to note that these historical biographies, often considered to be relatively low-grade history, address the raw materials of people, government, and statesman through which the political understanding and aims of an educated and ambitious politician might be transmitted to a public grappling with the difficulties of social dislocation resulting from industrialization.

The contours of Theodore Roosevelt's political thought begin to appear through a consideration of the political message of these early works. The shape of his thought is defined by the principles of duty, virtue, patriotism, martial spirit, and regime politics. These principles at work allow a democratic majoritarian politics to survive and prosper as long as the principles continue to define the character of the regime in an age in which the pre-eminent questions of politics are issues of social and industrial justice rather than of political equality. Because progressive issues of social and industrial justice tend to be corrosive of political legitimacy based upon freedom and political equality, the regime must be supported by increased government activity in achieving the ends of social and industrial justice, as well as by a rhetorical education in those principles that support the regime. Those sterile, banal, and repetitive essays and speeches by Roosevelt, as Edmund Morris characterizes them, appear to be just such a rhetoric of education in regime principles.

In Roosevelt's political theory, the American people were fortunate to be endowed, not with unalienable rights by their creator, but with a unique race inheritance

embodying an habitual and long-developed practice of equality and liberty and the unique opportunity to express the characteristics of that inheritance in a land of favorable geography and on a sparsely populated continent which would give free rein to the continued development of the best attributes of the race. The American nation had been given an unprecedented opportunity for the development and spread of civilization, not only in America, but also beyond its borders among lesser civilized peoples as well. These favorable conditions, however, carry a price, and that price is the duty to further the progress of civilization, not only in America, but eventually throughout the world.

The fundamental basis for society and the State is found in the duty to the family out of which grow duties to the community and the State. According to Roosevelt, "a man's first duty is to his home, but he is not thereby excused from doing his duty to the State; for if he fails in this second duty it is under the penalty of ceasing to be a freeman."<sup>142</sup> He further asserts that "each of us has not only his duty to himself, his family, and his neighbors, but his duty to the State and to the nation. We are in honor bound each to strive according to his or her strength to bring ever nearer the day when justice and wisdom shall obtain in public life as in private life."<sup>143</sup> Freedom, wisdom, and justice are the result of dutiful performance of one's obligations rather than the characteristics of human nature through which a proper understanding of obligation is derived. Freedom is not a right fundamental to mankind by its very nature, but rather a privilege which the dutiful have secured for themselves and therefore must fight to

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<sup>142</sup> "The Strenuous Life," Works, XIII: 328. See also Ibid., 458, 471, 473, 487, 497, 498.

<sup>143</sup> "Manhood and Statehood," Works, XIII: 458.

maintain. Likewise, wisdom is not gained from an understanding of the free and equal human nature shared by all humans, but is itself a product of historical development which is fostered by a combination of favorable cultural inheritances and favorable conditions for the continuation and improvement of those habitual practices and characteristics. According to Roosevelt,

we can never as a nation afford to forget that, back of our reason, our understanding, and our common-sense, there must lie, in full strength, the tremendous fundamental passions, which are not often needed, but which every truly great race must have as a well-spring of motive in time of need.<sup>144</sup>

Human nature does not aim us toward any particular excellence, but secures to us only a common starting point, "the great primal needs and primal passions that are common to all of us."<sup>145</sup> Freedom, nurtured in conditions of increasing political equality and complex societal organization, has proven to be efficient at harnessing these fundamental passions in the service of civilization. And

the prime factor in the preservation of a race is its power to attain a high degree of social efficiency. Love of order, ability to fight well and breed well, capacity to subordinate the interests of the individual to the interests of the community, these and similar rather humdrum qualities go to make up the sum of social efficiency.<sup>146</sup>

Such efficiency is not solely the product of intellect or wisdom, but rather of a combination of intellect and character, the learned patterns of successful behavior.

Indeed, for Roosevelt

character is far more important than intellect to the race as to the individual. We need intellect, and there is no reason why we should not have it together with character;

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<sup>144</sup> "Brotherhood and the Heroic Virtues," Works, XIII: 467.

<sup>145</sup> Ibid., 463.

<sup>146</sup> "Social Evolution," Works, XIII: 240.

but if we must choose between the two we choose character without a moment's hesitation.<sup>147</sup>

Civilization, then, is a product not of human design, but rather of human evolution which can be best achieved through the application of intellect and character to achieve efficiency in dealing with human problems.

Among the most important duties, then, is political participation, especially among those classes of citizens who have been fortunate enough to benefit from exceptional advantages, such as education or the accumulation of wealth. "Every man who wishes well to his country is in honor bound to take an active part in political life," and this burden falls more heavily upon the educated who ought to "feel that they should stand foremost in the honorable effort to serve the whole public by doing their duty as Americans in the body politic."<sup>148</sup> This is so important that

The country has a right to demand the honest and efficient service of every man in it, but especially of every man who has had the advantage of rigid mental and moral training; the country is so much the poorer when any class of honest men fail to do their duty by it; but the loss to the class itself is immeasurable.<sup>149</sup>

Again, it is efficiency that is improved by such participation, but it is also the expectation that morals will also be elevated by the participation of the better classes.

Like Aristotle and other political philosophers throughout the ages, Roosevelt recognizes the improvement in human character that accompanies political participation

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<sup>147</sup> Ibid., 241.

<sup>148</sup> "The Manly Virtues and Practical Politics," Works, XIII: 29; "The College Graduate and Public Life," Works, XIII: 36.

<sup>149</sup> "The College Graduate and Public Life," Works, XIII: 38.



in the regime.<sup>150</sup> While Roosevelt would disagree with Aristotle on the ends of the political association, on the character of human virtue, and on the importance of constitutional arrangements absent rule by the truly best man, he does agree fundamentally that happiness is dependent upon political participation by a virtuous citizen-body.<sup>151</sup>

The fulfillment of political duties requires a virtuous citizenry if the country is to prosper, for

we need civic righteousness. The best constitution that the wit of man has ever devised, the best institutions that the ablest statesmen in the world have ever reduced to practice by law or by custom, all these shall be of no avail if they are not vivified by the spirit which makes a State great by making its citizens honest, just, and brave.<sup>152</sup>

According to Roosevelt, certain of the virtues were fundamental, essential, or elemental. Among these were love of country, love of home, honesty, courage, energy, resolution, good judgment, and common sense.<sup>153</sup> Without the practice of these virtues, hope for good government in a democratic system would be futile. This is so because among the

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<sup>150</sup> Aristotle, *The Politics*, Translated and with an Introduction, Notes, and Glossary by Carnes Lord (Chicago: The University of Chicago Press, 1984), 1253a3, "From these things it is evident, then, that the city belongs among the things that exist by nature, and that man is by nature a political animal." 1280b39, "Living well, then, is the end of the city, and these things are for the sake of this end. A city is the partnership of families and villages in a complete and self-sufficient life. This, we assert, is living happily and finely. The political partnership must be regarded, therefore, as being for the sake of noble actions, not for the sake of living together."

<sup>151</sup> "Good thus follows from ordinary political affiliation. A man who has taken an active part in the political life of a great city possesses an incalculable advantage over his fellow-citizens who have not so taken part, because normally he has more understanding than they can possibly have of the attitude of mind, the passions, prejudices, hopes, and animosities of his fellow-citizens, with whom he would not ordinarily be brought into business or social contact." "Fellow-Feeling as a Political Factor," *Works*, XIII: 361.

<sup>152</sup> "God Save the State," *Works*, XIII: 551.

<sup>153</sup> *Works*, XIII: 35, 172, 330, 354.

threats to a democratic system were corruption motivated by self-interest, demagogic appeals to the least virtuous among the citizen body, and the pursuit of wealth and the life of leisure which would sap the sterner virtues from those who pursued these ends.<sup>154</sup> Since the "best scheme of government can do little more than provide against injustice,"<sup>155</sup> some other provision for the pursuit of good government must be made. In a democratic system incorporating a civilized population endowed with an advantageous race inheritance, good government can be built upon the continued virtue of the body politic, if only the citizens of the body politic can be discouraged from absenting themselves from the field of politics.

In particular, participation in politics requires the manly or stern virtues because politics is a competitive arena requiring, according to Roosevelt, both physical and moral courage.<sup>156</sup> Other virtues are needed as well, such as "being disinterested, unselfish, and generous in their dealings with others," but these virtues are insufficient without the "essential manly virtues."<sup>157</sup> In a competitive world in which other countries are willing

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<sup>154</sup> On the subject of corruption see in particular "Machine Politics in New York City," and "Phases of State Legislation." On demagoguery see "Machine Politics" and "The Menace of the Demagogue" (*Works*, XIV). On the perils of Commercialism and pursuit of leisure and ease, see "American Ideals" and "The Strenuous Life." All except "Demagogue" appear in *Works*, XIII.

<sup>155</sup> "Promise and Performance," *Works*, XIII: 398.

<sup>156</sup> "The Manly Virtues and Practical Politics," *Works*, XIII: 32, 35. "The College Graduate and Public Life," *Works*, XIII: 40-41.

<sup>157</sup> "The Manly Virtues and Practical Politics," *Works*, XIII: 35. The resemblance of Roosevelt's emphasis upon the manly virtues to the emphasis upon virtue which one finds in the works of Machiavelli is striking. Machiavelli informs us in *The Prince* that "a man who wants to make a profession of good in all regards must come to ruin among so many who are not good." He goes on to say "that it would be a very laudable thing to find in a prince all of the above-mentioned qualities that are held good. But because he cannot have them, nor wholly observe them, since human conditions do not permit it, it is necessary for him to be so prudent as to know how to avoid the infamy of those vices that would take his state from him and to be on guard against those that do not, if that is possible." And further, "if all men were good, this teaching would not be good; but because they are wicked and do not observe faith with you, you also do not have to observe it with them." Niccolo Machiavelli, *The Prince*, a New Translation, with an Introduction, by Harvey

to develop and exercise the manly virtues, even a strong country with an advantageous ancestral inheritance may fall behind and be overwhelmed.<sup>158</sup> Glory, advance, a high position among the countries of the world, these are things that the manly and stern virtues can provide if we are but willing to exercise them as the American people have demonstrated the capacity to do in the past when they spread across an unorganized continent. The virtues are only valuable for what they can bring rather than for their capacity to define the highest fulfillment of human nature. The virtues exist for the sake of the State, not the State for the sake of achieving virtue. In this formulation, Roosevelt, despite his apparent similarity to Aristotle on the subject of virtue, is modern in his political theory, subordinating virtue to the goals of the State.<sup>159</sup>

One of the chief targets of Roosevelt's criticism was the luxurious and idle life of the wealthy industrialist. "There is not in the world a more ignoble character than the mere money-getting American, insensible to every duty, regardless of every principle, bent only on amassing a fortune, and putting his fortune only to the basest uses."<sup>160</sup> Such material men are immune to "the great thoughts and lofty emotions, which alone make a nation mighty," and "they are utterly incapable of feeling one thrill of generous emotion,

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C. Mansfield, Jr. (Chicago: University of Chicago Press, 1985), 61, 62, 69. This is not to say that Roosevelt was an undisguised Machiavellian, for his sincere personal morality and strong emphasis on morality in others and the state militate against such a judgment. Still, the practical and expansionist emphasis of his politics indicates a certain Machiavellian strain incorporated into his thought as a whole.

<sup>158</sup> "The Strenuous Life," works, XIII: 328, 331.

<sup>159</sup> Roosevelt's articulation of republican government would be subject to the same criticism which Harvey Mansfield levels against Quentin Skinner and J. G. A. Pocock, two modern articulators of "classic" republicanism: "They do not see the simple difference between prizing virtue as the end of a republic, as did the ancients, and reducing virtue to the means of a republic's survival or expansion, as did Machiavelli." Taming the Prince, xx.

<sup>160</sup> "American Ideals," Works, XIII: 9.

or the slightest throb of that pulse which gives to the world statesmen, patriots, warriors, and poets, and which makes a nation other than a cumberer of the world's surface."<sup>161</sup>

The "mere life of ease is not in the end a very satisfactory life, and, above all, it is a life which ultimately unfits those who follow it for serious work in the world."<sup>162</sup> Roosevelt offers a solution to this malady that he perceives to exist in the body politic in the age of urbanization and industrialization. It is "the strenuous life, the life of toil and effort, of labor and strife." This is, for him, not just another political prescription for new laws or policies, but it rises to the level of religious belief, it is a doctrine to be preached to the American people.<sup>163</sup> This is the life that made America great, for this is the essence of the inherited Anglo-Saxon culture that formed the character of those early Americans as they fought for independence and expanded across the continent. It must be restored in order to ensure the future success and happiness of the American people, but it must be adjusted to the changed conditions of an urban, industrial society.

Montesquieu saw in commerce a moderating influence for the extremity of martial spirit found in past republics.

Certainly, when democracy is founded on commerce, it may very well happen that individuals have great wealth, yet that the mores are not corrupted. This is because the spirit of commerce brings with it the spirit of frugality, economy, moderation, work, wisdom, tranquillity, order, and rule. Thus, as long as this spirit continues to exist, the wealth it produces has no bad effect. The ill comes when an excess of wealth destroys the spirit of commerce; one sees the sudden rise of the disorders of inequality which had not made themselves felt before.<sup>164</sup>

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<sup>161</sup> Ibid., 10.

<sup>162</sup> "The Strenuous Life," *Works*, XIII: 320.

<sup>163</sup> Ibid., 319.

<sup>164</sup> Montesquieu, 48.

Roosevelt quite apparently felt those inequalities sapping the spirit of the American character, and he worked tirelessly to strengthen that character against what he perceived to be a fatal weakness. Roosevelt's prescription for a patriotic, martial, manly virtue, though, did not offer any moderating influence to balance the stern, self-sacrificing character of the doctrine he preached. As Montesquieu points out, even the Greeks offset the harshness of their own martial spirit by the introduction of music.<sup>165</sup> Perhaps Roosevelt only hoped to offset the ills of commercialism by the introduction of a sterner regimen, but he does not make this clear in his message.

As we have seen the contours of Theodore Roosevelt's political thought emerge from his own words, we begin to see a distinctly republican pattern to his thought. He draws upon the writings of ancients such as Plato and Aristotle where it suits him, or turns to the virtue of Rome or the lack of virtue in the Italians of Machiavelli's time. Zera S. Fink, in The Classical Republicans, proposes a working definition of a classical republican:

By a "classical republican" I mean a person who advanced or admired a republic, and who took his ideas for such a government in whole or in part from the ancient masterpieces of political organization, their supposed modern counterparts, or their ancient and modern expositors.<sup>166</sup>

Roosevelt seems to fit comfortably within this classification, though it is difficult to declare him to be the student of any particular "classical republican." He incorporates a considerable amount of republican political thought into his own work, though it would

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<sup>165</sup> Ibid., 40-41.

<sup>166</sup> Zera S. Fink, The Classical Republicans (Evanston, IL: Northwestern University, 1945), x.

be incomplete to declare him strictly republican, for this would shortchange other elements of his political thought, but it might be safe to say that he is wholly republican.

The particularly harsh and joyless aspect of his republicanism may come from his appreciation of the Puritan Commonwealth in England, and of two of its main political figures. His admiration of the statesmanship of Oliver Cromwell, on whom he wrote an interpretive biography, prefigures his own presidency in some ways, not least of which is his impatience with constitutional forms.<sup>167</sup> Roosevelt, however, laments Cromwell's inability to create a lasting order which would perpetuate the Commonwealth and secure the gains of the Civil War.<sup>168</sup> A second person from that period who figures heavily in Roosevelt's thought is the republican poet and polemicist, John Milton. Although one finds almost nothing in Roosevelt's writings or speeches of other prominent English Civil War and Commonwealth era thinkers, or of John Locke and other Glorious Revolution thinkers, one finds repeated references to Milton and Cromwell, particularly in reference to virtue.<sup>169</sup> The republicanism of the Commonwealth, as well as the stern virtue of the Puritans, were extremely compatible with Roosevelt's own ideas about the character and politics of Americans. In this sense, Roosevelt may be more republican than the Anti-Federalists, the supposed avatar of republicanism in American political history.<sup>170</sup>

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<sup>167</sup> Oliver Cromwell, Works, X: 215, 219, 319, 331.

<sup>168</sup> Ibid., 319, 331-335.

<sup>169</sup> For example, Works, XIII: 220, 387, 447, 552; VIII: 18; Letters, II: 1047, V: 500.

<sup>170</sup> Herbert J. Storing declares that he took up the study of the Anti-Federalists expecting to find at least a residual of pre-modern republican politics. In this he was disappointed, finding instead "liberals - reluctant and traditional, indeed - in the decisive sense that they see the end of government as the security of individual liberty, not the promotion of virtue or the fostering of some organic common good." What the Anti-Federalists Were For (Chicago: The University of Chicago Press, 1981), 83 n. 7. Roosevelt, on the

*Roosevelt and The Federalist*

Theodore Roosevelt occasionally commented favorably on The Federalist, but he did not provide any systematic interpretation of the work. Of the book, Roosevelt said, "it is the greatest book of the kind that has ever been written." Its authors, he continues, "would have been poorly equipped for writing it if they had not possessed an extensive acquaintance with literature, and in particular if they had not been careful students of political literature." He adds the caveat, however, that "the great cause of the value of their writings lay in the fact that they knew by actual work and association what practical politics meant."<sup>171</sup> Later in the same essay he states that "the ideal to be set before the student of politics and the practical politician alike is the ideal of the 'Federalist.' Each man should realize that he can not do his best, either in the study of politics or in applied politics unless he has a working knowledge of both branches."<sup>172</sup> In his book New York, Roosevelt characterizes The Federalist as "a series of letters, afterward gathered into a volume called 'The Federalist' - a book which ranks among the ablest and best which have ever been written on politics and government," and which at the time in New York "had a profound effect on the public mind."<sup>173</sup>

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other hand, was willing, more than most Americans at any rate, to subordinate liberty to State or national goals, such as providing for the general welfare.

<sup>171</sup> "The College Graduate and Public Life," Works, XIII: 41.

<sup>172</sup> Ibid., 44. This same theme of combining theory and practice is conveyed in another reference to The Federalist in "Latitude and Longitude Among Reformers," in Works, XIII: 351. "We need scholarly men, too - men who study all the difficult questions of our political life from the standpoint both of practice and of theory; men who thus study trusts, or municipal government, or finance, or taxation, or civil-service reform, as the authors of the 'Federalist' studied the problems of federal government."

<sup>173</sup> New York, in Works, X: 487.

Despite the lack of any careful elaboration on the themes of The Federalist, it would appear that Roosevelt had a profound respect for the work, and therefore might be expected to incorporate the theory of The Federalist into his political writings. What we find instead, I argue, is a truncated version of the argument of The Federalist which emphasizes the importance of Union at the expense of the constitutional argument that makes up fully half the work. This type of use of The Federalist is consistent with the habit of the age, according to Dennis Mahoney. Mahoney points out that The Federalist was cited in Supreme Court decisions in only eleven cases between 1888 and 1923; that Thomas McIntyre Cooley, author of The General Principles of Constitutional Law, refers in the work to The Federalist only three times; that "Woodrow Wilson, in his five-volume History of the American People, published in 1902, devoted only two paragraphs to The Federalist," that though he lauded the work, "of its content, Wilson had nothing to say;" that James Bryce (a close friend of Roosevelt, and whose book Roosevelt had reviewed in manuscript) "referred to the work in only four places" in his mammoth American Commonwealth. As Mahoney argues, "the problem is to account for the absence of The Federalist from the counsels of historians, political scientists, courts, and legal scholars during a period extending roughly from its centennial until its sesquicentennial."<sup>174</sup>

Roosevelt's references to The Federalist are not unusual for the time, but it is apparent

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<sup>174</sup> Dennis Mahoney, "A Newer Science of Politics: *The Federalist* and American Political Science in the Progressive Era," in Saving The Revolution: The Federalist Papers and The American Founding, ed. Charles R. Kesler (New York: The Free Press, 1987), 250-251. Wilson's comments cited by Mahoney are particularly interesting in light of the comments we have seen already from Roosevelt. According to Wilson, Mahoney says, "it was a 'masterpiece of letters in the sober kind bred by revolution'; it was destined to become 'the chief manual of all students and historians of the constitution'; it comprised 'the utterances of statesmen . . . drawn for the nonce out upon the general field of the theory and practice of government.'" See also Mahoney's unpublished dissertation "A New Political Science for a World Made Wholly New: The Doctrine of Progress and the Emergence of American Political Science" (Ph. D. dissertation: Claremont Graduate School, 1984).



that at the time, as Mahoney points out, such laudatory references masked a fundamental reorientation of American politics, in which Roosevelt may also have been involved.<sup>175</sup>

Publius, at the end of Federalist Number 36, states that

I have now gone through the examination of those powers proposed to be conferred upon the federal government which relate more peculiarly to its energy, and to its efficiency for answering the great and primary objects of union.<sup>176</sup>

He continues by asserting that "a further and more critical examination of the system will serve to recommend it still more to every sincere and disinterested advocate for good government . . . ."<sup>177</sup> Publius thus ends the first great section of The Federalist, the discussion of Union, and moves on to the second great part, the discussion of the Constitution itself and its conformity to the principles of republican government.<sup>178</sup> Roosevelt, curiously, seems to ignore the arguments of the latter half of the work, concentrating his attention instead upon the subject of the first part of the argument - the Union. This can be explained in large measure by Roosevelt's understanding of the progression of human social organization. The provisions of the Constitution, and in particular those improvements in political science that are incorporated in the Constitution, are largely meant to secure political liberty. But since "the great political

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<sup>175</sup> The topic of Roosevelt's possible involvement in a progressive reorientation based on "A Newer Science of Politics" will be addressed in greater detail in the next chapter. In this chapter I deal with the shift toward a more republican solution to the problems of democracy, and away from the more constitutional solution provided by the Framers of the Constitution.

<sup>176</sup> The Federalist No. 36, 223-224.

<sup>177</sup> *Ibid.*, 224.

<sup>178</sup> Kesler, "Federalist 10," 19. As Kesler points out, The Federalist was originally published in book form in two volumes divided between numbers 36 and 37, thus conforming to the division of the argument into its two main components.

revolutions seem to be about complete and the time of the great social revolutions has arrived,"<sup>179</sup> the need for institutional safeguards for liberty has waned, and indeed may positively impede the effort to "devise practicable and desirable methods of increasing and centring genuine responsibility."<sup>180</sup>

Roosevelt's dedication, then, to those improvements in political science are conditional. As long as they remain consistent with the progress of civilization and do not impede that progress, they are good and useful. When, however, they act to impede the fulfillment of the needs of social progress, their usefulness is at an end, and they must be reformed. Thus we see Roosevelt in 1884 upholding the principle of representation, arguing that the representatives of the people "have only to consult what we ourselves deem wisest and best for the community,"<sup>181</sup> but by 1911, because of the impediment that legislators are capable of placing in the way of reform, he can state that "normally, however, he must remember that the very meaning of the word representative is that the constituents shall be represented."<sup>182</sup> The system as constituted allows legislators "to use parliamentary forms to defeat measures for which there was a great popular demand," and this subverts the end of "good government, obtained through genuine popular rule."<sup>183</sup> We see Roosevelt in 1894 defend the judiciary against demagogues, and in 1896

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<sup>179</sup> "Social Evolution," Works, XIII: 223.

<sup>180</sup> "The College Graduate and Public Life," Works, XIII: 43.

<sup>181</sup> "The Prohibitory Liquor Traffic Bill," Works, XIV: 26.

<sup>182</sup> "Nationalism and Popular Rule," Works, XVII: 59.

<sup>183</sup> *Ibid.*, 58, 62.

against savages,<sup>184</sup> but in 1911 and 1912 we see him criticizing the courts for impeding social justice, to the extent of advocating popular recall of state judicial opinions.<sup>185</sup> Legislative checks and balances and separation of powers he routinely criticizes because of their tendency to inefficiency. As I argued in the previous chapter, the only invention Roosevelt does not denigrate is that of the extended republic. Indeed, this is the only argument of The Federalist that Roosevelt appears to develop in his own thought, and in this lies a key to his own republicanism.

Herbert J. Storing has argued that the position of the Anti-Federalists regarding administration of a large republic consisted of three main considerations:

Only a small republic can enjoy a voluntary attachment of the people to government and a voluntary obedience to the laws. Only a small republic can secure a genuine responsibility of the government to the people. Only a small republic can form the kind of citizens who will maintain republican government.<sup>186</sup>

Storing went on to say that “the Anti-Federalists lost the debate over the Constitution not merely because they were less clever arguers or less skillful politicians but because they had the weaker argument.”<sup>187</sup> To summarize Storing’s argument, the Federalists were able to counter the Anti-Federalist principles with their own alternative arguments. Primary among these were the tendency of the new government to result in a good administration which would attach the people to the government; the tendency for

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<sup>184</sup> “American Ideals,” and “The Vice-Presidency and the Campaign of 1896,” Works, XIII: 7-8, 165.

<sup>185</sup> “Nationalism and the Judiciary,” Works, XVII: 74-99, is by and large a judicious argument for judicial activism in pursuit of social justice, but also a critique of judicial reticence to engage in such activity. “A Charter of Democracy,” Works, XVII: 135-146. “Recall of Judicial Decisions,” Works, XVII: 193.

<sup>186</sup> Storing, 16.

<sup>187</sup> *Ibid.*, 71.

representation to produce responsibility; and the expectation that an extended republic made up of numerous interests would tend to produce political results conducive to the preservation of republican government. Theodore Roosevelt took this last Federalist principle, the extended republic, and turned it into a tool for the perpetuation and expansion of republican government consistent with the fundamental considerations of the Anti-Federalists.

Roosevelt makes the point that it is almost a forgotten part of our political system that

when a sufficient number of the citizens of our common country have thus entered into and taken possession of some great tract of empty wilderness, they should be permitted to enter the Union as a State on an absolute equality with the older States, having the same right both to manage their own local affairs as they deem best, and to exercise their full share of control over all the affairs of whatever kind or sort in which the nation is interested as a whole. The youngest and the oldest States stand on an exact level in one indissoluble and perpetual Union.

To us nowadays these processes seem so natural that it is only by a mental wrench that we conceive of any other as possible. Yet they are really wholly modern and of purely American development.<sup>188</sup>

He acknowledges the distinctly American and wholly modern character of what Publius referred to as the extended sphere. The great benefit of this modern American invention was to solve the problem of providing for "both national unity and local individual freedom" that had confounded man from ancient times. This problem was particularly important for "so masterful and liberty-loving a race as ours."<sup>189</sup>

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<sup>188</sup> "Manhood and Statehood," Works, XIII: 450. This same argument is made in The Winning of the West, Works, IX: 219-221.

<sup>189</sup> Ibid., 453.

Roosevelt's understanding of the system created by the Framers of the Constitution, at least as articulated in his essay "Manhood and Statehood," is different from what the Framers themselves would have understood. Roosevelt continues:

In applying the new principles to our conditions we have found the Federal Constitution a nearly perfect instrument. The system of a closely knit and indestructible union of free commonwealths has enabled us to do what neither Greek nor Roman in their greatest days could do. We have preserved the complete unity of an expanding race without impairing in the slightest degree the liberty of the individual.<sup>190</sup>

The Constitution is to be appreciated for its capacity to govern a large republic and to mix the ingredients of national unity and freedom previously thought to be at odds with one another. The Constitution does not provide for the preservation of freedom by its structure, but rather it preserves the existing freedom of "so liberty-loving a race" by providing a federal solution to sound national government of an extended sphere that is consistent with the preservation of that race characteristic. The Constitution, utilizing this modern principle allowed the Americans to fill "a vacant continent with self-governing commonwealths, knit into one nation," and "save only the preservation of the Union itself, no other task has been as important as the conquest and settlement of the West."<sup>191</sup>

It is the extended sphere that is truly vital to the success of republican government in the United States, at least in a constitutional sense. Beyond that

We need then the iron qualities that must go with true manhood. We need the positive virtues of resolution, of courage, of indomitable will, of power to do without shrinking the rough work that must always be done, and to persevere through the long days of slow progress or of seeming failure which always come before any final triumph, no matter how brilliant. But we need more than these qualities. This country cannot afford to have its sons less than men; but neither can it afford to have them

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<sup>190</sup> Ibid.

<sup>191</sup> Ibid., 454.

other than good men. If courage and strength and intellect are unaccompanied by the moral purpose, the moral sense, they become merely forms of expression for unscrupulous cunning.<sup>192</sup>

It is also vital to maintain the virtues of decent citizens if the Republic is to be preserved. One need not despair for the preservation of such virtue, even in a large republic, for, first, the American people have an innate tendency to cultivate the virtues necessary to self-government. Second, according to Publius, "intercourse throughout the Union will be facilitated by new improvements,"<sup>193</sup> and these may work to allow just such a one as Theodore Roosevelt to preach his doctrine of the strenuous life throughout the nation in the attempt to preserve those important virtues.

The extended sphere is not sufficient on its own in Roosevelt's conception, just as it is ultimately insufficient according to Publius. It does, though, allow for a more closely knit body politic than that imagined by the Anti-Federalists, especially in light of the tremendous industrial and technological advances made by Roosevelt's time which reduced the effect of distance. Still, according to Roosevelt, the statesmanlike preacher of virtue, and a convenient theory of human nature are needed in order to support virtuous republican government on such a large scale.

### **Conclusion**

I have attempted here to demonstrate the extent to which Roosevelt's political thought rejects the constitutional solutions of the Constitution in favor of an older form of republicanism. Like many reformers of his time, Roosevelt considered the institutional

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<sup>192</sup> Ibid., 457.

<sup>193</sup> The Federalist No. 14, 102.

and interest-based solutions of the Constitution to be insufficient to address the problems of the age. Combined with that, Roosevelt, as did many others, felt the Constitution to be out-of-date and in need of reform to keep up with the pace of evolutionary development. Unlike Woodrow Wilson and others, Roosevelt did not advocate substituting new forms in place of the existing Constitution. Of these ideas Roosevelt was dismissive, arguing

it is always a pity to see men fritter away their energies on any pointless scheme; and, unfortunately, a good many of our educated people when they come to deal with politics do just such frittering. Take, for instance, the queer freak of arguing in favor of establishing what its advocates are pleased to call 'responsible government' in our institutions, or, in other words, of grafting certain features of the English parliamentary system upon our own Presidential and Congressional system. This agitation was too largely deficient in body to enable it to last, and it has now, I think, died away; but at one time quite a number of our men who spoke of themselves as students of political history were engaged in treating this scheme as something serious. . . .

. . . The English, or so-called 'responsible,' theory of parliamentary government is one entirely incompatible with our own governmental institutions. It could not be put into practice here save by absolutely sweeping away the United States Constitution. Incidentally, I may say it would be to the last degree undesirable, if it were practicable. . . .

. . . The people who wrote about it wasted their time, whereas they could have spent it to great advantage had they seriously studied our institutions and sought to devise practicable and desirable methods of increasing and centring genuine responsibility - for all thinking men agree that there is an undoubted need for a change in this direction.<sup>194</sup>

Roosevelt preferred to find the desired powers to be already covered by the precedent of previous presidential practice, and therefore justified under the Constitution, without ever having to justify those powers as deriving from the Constitution itself. In this way the evolution of society, the development of organizational and administrative practice, and the policy goals of social and industrial justice could be read into the

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<sup>194</sup> "The College Graduate and Public Life," *Works*, XIII: 42-43.

document without altering a word of it. His political theory appears to be dedicated to reinterpreting the Constitution without altering it, that is, to creating what Jeffrey Tulis has referred to as a "layered text,"<sup>195</sup> by substituting a more republican political order in place of the institutional safeguards of the written Constitution.

This reversion, if you will, to a more democratic republicanism is not, as has been stated, sufficient to ensure good government. As a result, Roosevelt's republicanism raises anew the specter of some of the traditional problems with republican government: majority faction and demagoguery. He does not offer a new solution to these problems, but resurrects the traditional reliance upon virtue. He augments this traditional solution with a faith in race characteristics, developed over centuries, that are amenable to the practice and preservation of the important, manly virtues. In addition to the virtue of republicanism, Roosevelt expounds a progressive and scientific understanding of the nature and condition of mankind which is more optimistic regarding the possibility of eliminating faction. Since Roosevelt rejects natural rights, the progressive view of human nature is particularly useful as a support for his republicanism. But this scientific understanding is itself in some ways a threat to republican virtue and republican government, because of its tendency to be deterministic and to diminish the importance of political activity. An examination of this scientific progressivism and its significance to the political thought of Theodore Roosevelt is the subject of the next chapter.

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<sup>195</sup> Tulis, The Rhetorical Presidency, 17.



## Chapter Four

### Progress and The Ends of Government

The ends of government stated in the preamble of the United States Constitution were predicated upon a fixed understanding of the nature of man, toward the fulfillment of which those stated ends were supposed to contribute. This fixity recognizes the inherent superiority of man to the beasts, while also acknowledging man's inferiority to the divine. When, however, this fixed understanding of human nature changed in the minds of scientists, academics, leaders, and eventually the people themselves, it was considered necessary either to change or reinterpret those ends to conform to the new understanding. The newer understanding of human nature usually resulted from either an evolutionary view of history,<sup>1</sup> an evolutionary view of biology,<sup>2</sup> or a combination of the two. It was in a milieu suffused with the newer understanding that Theodore Roosevelt grew to manhood and was educated, and this influence was reflected in his writings. This comes through clearly in his review of the book Social Evolution in 1895, where he wrote

It is perfectly possible to build up a civilization which, by its surroundings and by its inheritances, working through long ages, shall make the bulk of men and women develop such characteristics of unselfishness, as well as of wisdom, that it will be the rational thing for them as individuals to act in accordance with the highest dictates of honor and courage and morality. If the intellectual development of such a civilized community goes on at an equal pace with the ethical, it will persistently war against the individuals in whom the spirit of selfishness, which apparently Mr. Kidd

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<sup>1</sup> As found in the philosophy of Immanuel Kant and Georg Wilhelm Friedrich Hegel most commonly.

<sup>2</sup> Primarily derived from Charles Darwin and his theory of evolution which incorporated the extant ideas of acquired characteristics, natural selection, and survival of the fittest in a theory of human development from animal origins.

considers the only rational spirit, shows itself strongly. It will weed out these individuals and forbid their propagating, and therefore will steadily tend to produce a society in which the rational sanction for progress shall be identical in the individual and the State. This ideal has never yet been reached, but long steps have been taken toward reaching it; and in most progressive civilizations it is reached to the extent that the sanction for progress is the same not only for the State but for each one of the bulk of individuals composing it.<sup>3</sup>

This understanding of human nature as an evolving process led him in his writings and as President to seek change in the identified ends of government in order that the new or redefined ends would conform to the changed conditions resulting from human and material progress. In order to appreciate the significance of the second, progressive, element of Theodore Roosevelt's political theory, it is important to understand the relationship between progress and ends, how that relationship had been understood in the past, and how the different views of that relationship may have influenced Roosevelt in his views on the subject.

The introductory paragraph of Chapter Thirteen, "The Big Stick and the Square Deal," of his Autobiography captures in a short passage the essence of Roosevelt's thought on the relationship between progress and the ends of government. Here Theodore Roosevelt presents a selection of progressive ideas which even today, after nearly a century of the progressive advance of progressive ideas, catches the eye as one reads them. Perhaps these statements still catch the eye because the concern for individual freedom and fear of over-powerful government still linger as a powerful force in the minds of a considerable portion of the body politic. "One of the vital questions with which as President I had to deal," Roosevelt argues,

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<sup>3</sup> "Social Evolution," Works, XIII: 234.

was the attitude of the Nation toward the great corporations. Men who understand and practice the deep underlying philosophy of the Lincoln school of American political thought are necessarily Hamiltonian in their belief in a strong and efficient National Government and Jeffersonian in their belief in the people as the ultimate authority, and in the welfare of the people as the end of Government. The men who first applied the extreme Democratic theory in American life were, like Jefferson, ultra individualists, for at that time what was demanded by our people was the largest liberty for the individual. During the century that had elapsed since Jefferson became President the need had been exactly reversed. There had been in our country a riot of individualistic materialism, under which complete freedom for the individual - that ancient license which President Wilson a century after the term was excusable has called the 'New' Freedom - turned out in practice to mean perfect freedom for the strong to wrong the weak. The total absence of governmental control had led to a portentous growth in the financial and industrial world both of natural individuals and of artificial individuals - that is, corporations. In no other country in the world had such enormous fortunes been gained. In no other country in the world was such power held by the men who had gained these fortunes; and these men almost always worked through, and by means of, the giant corporations which they controlled.<sup>4</sup>

Roosevelt had long maintained that the arrival of the large corporation was something of which the founders of the country could have had no knowledge or experience, and that therefore the old dispensation encapsulated in the Constitution was insufficient to the modern conditions which challenged the very existence of the Union.<sup>5</sup>

This and the earlier passage clearly illuminate the progressive aspect of the political thought of Theodore Roosevelt. If one is to follow the logic of Roosevelt's argument, the corporation is the root of a tremendous amount of evil in the country, and is also the most visible example of the material progress experienced during the nineteenth century. It is so, he argues, because the liberty which the people demanded during the founding generation leads to excessive individualistic materialism. So liberty at one time, and at the demand of the people, was apparently the foremost end of

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<sup>4</sup> Autobiography, Works, XX: 414.

<sup>5</sup> "First Annual Message," Works, XV: 87, 92, for example.

government, but the “new” freedom of that time has turned old and degenerated into “freedom for the strong to wrong the weak.” Therefore, a different end of government - “the welfare of the people” - is necessary to replace the one whose time has passed. One presumes that the people, faced with changed circumstances, now demand welfare as they once earlier demanded liberty, and that it is this popular demand that legitimizes its establishment as the end of government rather than conformity with political principles or the unalienable rights of the people. So, in order to fulfill the need for welfare, the new end of government, liberty must be circumscribed, since “the need had been exactly reversed” in “the century that had elapsed since Jefferson became President.” It is government control that must be introduced to alleviate the problems caused by this excess of freedom, and to provide for the welfare of the people. We know this is true because “in no other country in the world had such enormous fortunes been gained,” and “in no other country in the world was such power held by the men who had gained these fortunes.” The evils of this concentration of wealth and power can only be countered by concentration in an “efficient National Government,” that can appeal to the people “as the ultimate authority” and act in the name of the people. And since corporations are the means by which these men acquire such wealth and power, their liberty to do so must be regulated by the government, for the liberty of all the people cannot begin to counter the power of the wealthy and powerful industrial magnates.<sup>6</sup>

Roosevelt’s argument generates a multitude of questions. Are the liberty-loving people of the pioneer generations gone? Does the change in conditions to an urban and

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<sup>6</sup> Ibid.

industrial nation lead to the decline in those stern virtues that are particularly sharpened in a liberty-loving people? Are freedom and welfare of the people really incompatible? Does freedom lead inexorably to domination of the weak by the strong? Is substitution of public welfare for liberty as the foremost end of government the way to solve the problems of concentrated wealth? Is government growth the only means of countering the development of powerful corporations? Is comparison with the policies of foreign countries the proper measure by which to judge American political development? Was America built on the theoretic foundation of an extreme Jeffersonian democratic theory, or of ultra-individualism? Roosevelt seems to assume that the answer to each of these questions is yes. But it is not clear that they may all be answered in the affirmative, for the root of the problem is not really freedom, but materialism, and Roosevelt's response to the problem of rampant materialism is a material one, at least on its face. How is the welfare of the people to be measured? One obvious means is to decrease the material means by which power is exercised by the wealthy classes, but the implicit argument contained in the regulation of the wealthy classes is that the poor classes will be the beneficiary, in material terms, of that regulation of wealth. They will be richer, more comfortable, earn higher wages, and more readily accumulate capital to start their own enterprises. Certainly the welfare of the people in other than material terms does require some limitation of liberty by government, but the amelioration of poor living conditions through government regulation begins to entertain the enlargement of such limitations to a considerable range and depth. Progress, in material form at least, appears to put pressure on a liberty-loving people which may undermine the virtues associated with

such a people, and also requires limitation of their liberty beyond that necessary to create a viable national union.

### Some Views on Progress and Ends

In his book History of the Idea of Progress,<sup>7</sup> Robert Nisbet has distilled Western notions of progress into a single, all-inclusive statement. He asserts that "*the idea of progress holds that mankind has advanced in the past - from some aboriginal condition of primitiveness, barbarism, or even nullity - is now advancing, and will continue to advance through the foreseeable future.*"<sup>8</sup> He further clarifies by adding two substantive elements to his definition of the idea of progress. The first is the notion of "slow, gradual, and cumulative improvement in *knowledge*, the kind of knowledge embodied in the arts and sciences, in the manifold ways man has for coping with the problems presented by nature or by the sheer efforts of human beings to live in groups." The second element concerns

man's moral or spiritual condition on earth, his happiness, his freedom from torments of nature and society, and above all his serenity or tranquillity. The goal of progress or advancement is mankind's eventual achievement, *on earth*, of these spiritual and moral virtues, thus leading toward ever-greater perfection of human nature.<sup>9</sup>

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<sup>7</sup> Robert Nisbet, History of the Idea of Progress (New York: Basic Books, 1980). Nisbet tips his hand in the title of his book, which declares up front that not only is there an idea of progress, but that it has a history, implying a history of advance in which modern observers have a superior vantage point from which to evaluate the idea of progress. Leo Strauss warns us of the dangers of reducing valid subjects of inquiry to historical expositions of those subjects. Leo Strauss, The City and Man (Chicago: The University of Chicago Press, 1964), 7-8. Also, Leo Strauss, "The Crisis of Our Time," in The Predicament of Modern Politics, Harold J. Spaeth, ed. (Detroit: University of Detroit, 1964), 51-52.

<sup>8</sup> Nisbet, 4, emphasis in original.

<sup>9</sup> Ibid., 5.

This definition covers a lot of ground, not all of which may be mutually compatible.

Nisbet clarifies somewhat, when, after listing a long series of names he associates with the history of progress, he states that “these are but a few of the West’s light and leading for whom the progress of mankind, especially in the arts and sciences, was as real and as certain as any law in physical science.”<sup>10</sup> It is particularly progress in knowledge that he means, rather than the more utopian perfection of human nature. By collapsing the two elements into one broad, all-inclusive definition Nisbet obscures the uncomfortable fit between the two parts.

The American founding presents a particular perspective on progress and the ends of man and politics. This view still represents an understanding of man as having a particular nature, the fulfillment of which lies in the realm of politics, but which seeks that fulfillment through the exercise of fundamental rights under limited government rather than government-sponsored education to virtue. Thomas Jefferson might be considered one of the more eloquent spokesmen of the founding period in American politics, as well as one of the best scientific minds in America at the time. So it may be instructive to look at Jefferson’s understanding of progress in order to establish a particularly American view of the subject upon which to base a comparison with Theodore Roosevelt’s understanding of progress in the ends of government.

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<sup>10</sup> Ibid., 7. Those names are: “Protagoras, Plato, Aristotle, Lucretius, Seneca, St. Augustine, Jean Bodin, Isaac Newton, Robert Boyle, Joseph Priestley, Comte, Hegel, Darwin, Marx, Herbert Spencer, and in America, a line that commenced with Cotton Mather and Jonathan Edwards, and included Jefferson, John Adams, Franklin, and very nearly every major thinker and statesman in the United States who succeeded the Founding Fathers.”

Jefferson, in his Report of the Commissioners for the University of Virginia, makes an eloquent plea for the importance of education to progress. In one section he states that

Education, in like manner, engrafts a new man on the native stock, and improves what in his nature was vicious and perverse into qualities of virtue and social worth. And it cannot be but that each generation succeeding to the knowledge acquired by all those who preceded it, adding to it their own acquisitions and discoveries, and handing the mass down for successive and constant accumulation, must advance the knowledge and well-being of mankind, not *infinitely*, as some have said, but *indefinitely*, and to a term which no one can fix and foresee. Indeed, we need look back half a century, to times which many now living remember well, and see the wonderful advances in the sciences and arts which have been made within that period. Some of these have rendered the elements themselves subservient to the purposes of man, have harnessed them to the yoke of his labors, and effected the great blessings of moderating his own, of accomplishing what was beyond his feeble force, and extending the comforts of life to a much enlarged circle, to those who had before known its necessities only.<sup>11</sup>

This long passage is full of the potency of the idea of progress, through education and knowledge, for the relief of man's condition and the provision of comfort and its trappings. This passage also captures, because of those very attributes, the essence of an idea of progress that may be fundamentally different from more classical accounts of human progress. In particular, the notion of dominion over nature providing the means by which human comfort and well-being may be supplied, contrasts with the classic preference for eschewing too much comfort because of its tendency to corrupt virtue. Education still tends toward the development of virtue, but the virtue Jefferson speaks of appears to be a much lower and practical virtue than that spoken of by classical theorists like Plato and Aristotle. Freedom in the American scheme of government requires much

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<sup>11</sup> Thomas Jefferson, Writings, ed. Merrill D. Peterson (New York: Literary Classics of the United States, 1984), 461.



less of a man in terms of virtue, but it does not preclude the opportunity for men to strive for the heights of virtue described by Plato, Aristotle, and others, while also protecting society from rapacious men of ambition through the means of institutional safeguards.

Thomas Jefferson talked of the “advance of knowledge and well-being of mankind, not infinitely, as some have said, but indefinitely, and to a term which no one can fix and foresee,” which would extend “the comforts of life to a much enlarged circle.”<sup>12</sup> Jefferson does not seem to envision that as a result of progress human nature will be transformed into some higher form. The combination of human nature with freedom may lead to an indefinite or at least prolonged period of progress in the amelioration of man’s physical conditions, but this does not foreshadow any fundamental change in that nature. Men will not, to use Publius’s words, somehow become angels in the process of such progress. These advances are to be the result of improvements in the “sciences and arts,” not by an “ever-greater perfection of human nature.”<sup>13</sup> Improvement in knowledge is an expression of the capacity of human nature to fulfill its potential. Progress, as such, occurs within the bounds of a fixed human nature. According to Jefferson, “nothing then is unchangeable but the inherent and unalienable rights of man.”<sup>14</sup> He admits that man is not “fixed, by the law of his nature, at a given point,” that

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<sup>12</sup> Jefferson, 461.

<sup>13</sup> Jefferson, 461. Nisbet, 5.

<sup>14</sup> Jefferson, “Letter to Major John Cartwright,” 1494. Jefferson makes this statement in the context of defending the right of future generations to “change their laws and institutions to suit themselves,” and also following upon a comment “that we have not yet so far perfected our constitutions as to venture to make them unchangeable. But still, in their present state, we consider them not otherwise changeable than by the authority of the people, on a special election of representatives for that purpose expressly: they are until then the *lex legum*.”

there is every reason to expect that the future may see us "wiser, happier or better than our forefathers were."<sup>15</sup> This improvement, though, is to be like the grafting of domesticated stock onto a wild fruit tree, and education is to be the means of engrafting a more domesticated character onto the wilder human stock. It is not a change in nature that accomplishes this end, but rather education which "generates habits of application, of order, and the love of virtue; and controls by the force of habit, any innate obliquities in our moral organization."<sup>16</sup> Man's nature will not change, but the existing nature will be shaped and molded into a more civilized character by the habituating effects of education.

Jefferson also subscribed to a belief in the progress of society from a primitive to a civilized state, not at all unlike the account of progress described by Nisbet. In responding to the letter of a friend, Jefferson wrote:

The idea which you present in your letter of July 30th, of the progress of society from its rudest state to that it has now attained, seems conformable to what may be probably conjectured. Indeed, we have under our eyes tolerable proofs of it. Let a philosophic observer commence a journey from the savages of the Rocky Mountains, eastwardly towards our sea-coast. These he would observe in the earliest stage of association living under no law but that of nature, subscribing and covering themselves with the flesh and skins of wild beasts. He would next find those on our frontiers in the pastoral state, raising domestic animals to supply the defects of hunting. Then succeed our own semi-barbarous citizens, the pioneers of the advance of civilization, and so in his progress he would meet the gradual shades of improving man until he would reach his, as yet, most improved state in our seaport towns. This, in fact, is equivalent to a survey, in time, of the progress of man from the infancy of creation to the present day.<sup>17</sup>

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<sup>15</sup> Jefferson, Writings, 461.

<sup>16</sup> Ibid.

<sup>17</sup> Jefferson, "Letter to William Ludlow," 1496-1497.

Notice that throughout the passage Jefferson talks only of condition, and not of any fundamental distinction in nature between the different categories of men he describes. He does not at all intimate that the most primitive are any less entitled to those rights natural to man, or that they are any less men because of their primitive status.

Nowhere is this equality of man more evident than in the Declaration of Independence which Jefferson penned nearly fifty years earlier. The equality of man is "self-evident." The rights are an endowment from "their Creator" and are "unalienable," meaning they cannot be given away. A primitive might not understand the self-evident character of an argument for equality, but that is not to say that he is by nature incapable of being brought to such an understanding. That primitive has the same endowments from the creator as the civilized man, and the same capacity to reason which makes the knowledge of human equality open and available to him through the exercise of that reason. So, while Jefferson distinguishes between differences in the condition of civilization, he nonetheless understands the savage and barbarian to be one with him in their humanity.

Other notions of progress entering the American consciousness from at least the mid-nineteenth century did not share the same understanding of man's nature commonly held at the founding. Indeed, these new scientific and philosophic ideas understood man to be in some process of development toward a secular perfection. The influence of German philosophy was being felt, as was the evolutionary science of Charles Darwin and those movements associated with him that fall loosely under the designation Social Darwinism. Both of these in their way tended to undermine the American constitutional

system of limited government based upon unalienable rights. Both of these viewed human beings as engaged in a progressive development from a primitive state toward ultimate perfection. Their introduction meant that the theoretical foundation of American liberty and constitutionalism in a fixed human nature was open to reinterpretation and modification with consequent changes to both the practice of liberty and constitutional government.

Instead of a human nature fixed within an ordered universe, G. W. F. Hegel offered a human character higher than the beasts, but progressively approaching a perfect state of freedom as the spirit of the universe actualized itself in material form.<sup>18</sup> The universe itself is in a process of progress, "the progress of the consciousness of freedom."<sup>19</sup> The instrument of this process is man, through whose actions spirit comes to know itself and achieve self-consciousness. But mankind does not realize that it is the instrument of the spirit realizing itself until man achieves full self-consciousness. Prior to that self-consciousness arising in man, the process of progress toward self-consciousness is fulfilled by men following their passionate and interested impulses.<sup>20</sup> The product of this action, in the end, is the State, "law, morality, the State, and they alone, are the positive reality and satisfaction of freedom."<sup>21</sup> In the State are the universal and particular unified, and thus "the State is the divine Idea as it exists on earth."<sup>22</sup> Hegel

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<sup>18</sup> G. W. F. Hegel, Reason in History, Translated, with an introduction, by Robert S. Hartman (Indianapolis: Bobbs-Merrill Educational Publishing, 1953), 10, 20, 12, 24, 25.

<sup>19</sup> Ibid., 24.

<sup>20</sup> Ibid., 26., 39-40.

<sup>21</sup> Ibid., 50.

<sup>22</sup> Ibid., 53.

argues that man is not free by nature, but only through the accretions of organized society which realize the divine Idea or represent Reason. While freedom is advanced by the passionate and self-interested activity of man, there is no freedom in that original state of untamed passion. Though the germ of freedom resides in man,<sup>23</sup> it is not realized in the natural state, but rather under conditions of law and morality.<sup>24</sup> There is, then, a qualitative change in man as he progresses, through the unfolding of history, and approaches full conformity with spirit when the spirit is fully realized in material form. All men, therefore, cannot be equal until all have achieved the self-consciousness of freedom.

This Hegelian philosophy was imported into American political science by John Burgess, "America's first real professor of political science," who "brought back to the United States the political science of the German University."<sup>25</sup> Such thought became the foundation of the graduate program Burgess established at Columbia University in 1880, as well the foundation of other political science graduate programs, notably at Johns Hopkins University where Woodrow Wilson was educated. Hegelian philosophy also began to achieve some influence through the work of the so-called St. Louis Hegelians who established the Journal of Speculative Philosophy in 1867.<sup>26</sup> Even earlier than this, some Hegelian influences were transmitted throughout America through the

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<sup>23</sup> Ibid., 23.

<sup>24</sup> Ibid., 55.

<sup>25</sup> Mahoney, "A Newer Science of Politics," 252, 253.

<sup>26</sup> Richard Hofstadter, Social Darwinism in American Thought (Boston: Beacon Press, 1992), 124.

aegis of the Transcendentalist movement, as well as the activities of small enclaves of German immigrants such as the group of Hegelian academics and reformers in Ohio, centered around Cincinnati, dating from 1848.<sup>27</sup> These proto-Hegelians were influential in reformist political activities in the late-nineteenth century such as civil service reform. They proclaimed a relatively consistent message of progress and expansive government intervention in social matters, if not downright socialism.<sup>28</sup>

It was this same John Burgess who remarked of the young Theodore Roosevelt that he “seemed to grasp everything instantly [and] made notes rapidly and incessantly.”<sup>29</sup> Burgess’s lessons must have made a significant impression on Roosevelt, for his arguments resurface throughout Roosevelt’s writings, particularly the historical works. On the subject of the State and the ends of the State, Burgess had the following to say:

Let us regard the ultimate end first. This is the universal human purpose of the state. We may call it the perfection of humanity; the civilization of the world; the perfect development of the human reason, and its attainment to universal command over individualism; the apotheosis of man. This end is wholly spiritual; and in it mankind, as spirit, triumphs over all fleshly weakness, error, and sin. This is what Hegel meant by his doctrine that morality (*Sittlichkeit*) is the end of the state; and the criticism that this doctrine confounds the domain of the individual with that of the state, so freely indulged in by most publicists, is a crude view, a narrow conception of the meaning of the term morality.<sup>30</sup>

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<sup>27</sup> Loyd D. Easton, Hegel’s First American Followers (Athens, OH: Ohio University Press, 1966), 1-27.

<sup>28</sup> *Ibid.*, 64-65, 154-155, 187-190, 201-202.

<sup>29</sup> Quoted in Carleton Putnam, Theodore Roosevelt, 219; Nathan Miller, Theodore Roosevelt, 107. Miller classifies Burgess as “one of the most prominent Social Darwinists,” missing his connection with German philosophy entirely.

<sup>30</sup> John Burgess, Political Science and Comparative Constitutional Law, vol. I: 85.

Burgess's debt to Hegel is apparent, as well as acknowledged, and the existence of a hierarchy in the classification of human nature is apparent, with the ultimate end being nothing short of perfection. It is the state that is to provide the means for this perfection of human nature to be achieved, rather than the activity of any individual, political, speculative, or otherwise.

The entrance of Darwinian thought into America was similarly achieved through the activities of zealous converts to the cause who either attempted to create a new cosmology out of the biological findings of Darwin, or to fit Darwin's new biology and its "natural" laws into existing cosmologies with a minimum of fuss. Among the most ardent of Darwin's American converts were Asa Gray, a botanist at Harvard; John Fiske, a Harvard graduate and professor of history; and Edward Livingstone Youmans, a lecturer and author with connections to the D. Appleton and Company publishing house that opened doors for the publication of Darwinian articles through the pages of the *International Scientific Series* and *Popular Science Monthly*.<sup>31</sup> These advocates, among others, worked to apply Darwinian biological principles to other areas of academic and social interest. The principles of natural selection, acquired characteristics, and survival of the fittest (a phrase Darwin picked up from Herbert Spencer, the noted English sociologist) were to allow a transformation within social and political thought from a hierarchical and fixed understanding of the cosmos to a progressive, evolutionary, naturalistic understanding of the cosmos absent a necessity for divine characteristics of any kind. The previous understanding of man as a being existing in a hierarchy between

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<sup>31</sup> Hofstadter, *Social Darwinism*, 13-14, 23.

beasts and God was replaced by an understanding of man existing at the top of an evolutionary hierarchy of development guided by the random application of biological laws of progress. Early attempts by some of the converts to Darwinism to fit the new concepts within a Christian cosmology aided the general public acceptance of the new biology, but in the end these attempts were overwhelmed as the proponents of this view slowly died off to be replaced by strictly scientific types.<sup>32</sup>

Theodore Roosevelt, born in 1858, grew up in the midst of this scientific and philosophical ferment. His father was one of the preeminent philanthropists of New York City, a practitioner of the social gospel, and noted for his assistance to the city's newsboys, support of the City's museums, and for the New York Orthopedic Hospital.<sup>33</sup> Theodore Sr. also was politically involved in the reform movement as a part of the Republican Party, to the extent of attending and speaking at a rally during the 1876 convention in Cincinnati alongside other reform stars such as Carl Schurz and George William Curtis. He shared with these men an interest in liberal reform issues, among which were included women's rights and civil service reform, along with an utter disdain for the scandalous political activities of the U. S. Grant administration in Washington.<sup>34</sup> On the scientific side, the father encouraged his son's interest in wildlife throughout young Theodore's boyhood, and supported his son's desire to become a naturalist, but warned Teddy prior to his sophomore year at Harvard that should he choose such a life

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<sup>32</sup> Ibid., 16, 18-19, 21, 25-30.

<sup>33</sup> Morris, Theodore Roosevelt, 34, 74.

<sup>34</sup> David McCullough, Mornings on Horseback, 150-151. McCullough is one of the rare biographers who recounts this political activity of Theodore Sr.



he must have moderate habits since the life of a naturalist, while a worthy profession, would not be financially remunerative enough to maintain the manner of life to which the family was accustomed. The inheritance Theodore would receive would not be sufficient to live in the lavish style to which he was habituated.<sup>35</sup> Theodore Jr. had been collecting specimens and studying wildlife from very early in his childhood, had built up a collection of specimens from as far away as Egypt, the Middle East, and Europe, and had written a study of area birds one summer. This interest continued with him into Harvard, where his studies included a botany course which used Asa Gray's text, a physiology course with William James, the future father of pragmatism, which he considered "very interesting," and a geology course taught by Nathaniel Shaler, a proponent of a sympathetic theory of government which softened the hard edges of scientific Darwinism.<sup>36</sup>

The thoughts on progress that Theodore Roosevelt developed from these exposures, and from his own exhaustive and eclectic reading, were of a somewhat mixed nature. We have seen, in the last chapter, that part of his thought on progress was expressed in the development of the Anglo-Saxon race from its experience in the Teutonic woods of northern Europe, through the English period, and finally to America where it had reached the pinnacle of its development to that time. This progress was predicated to a great extent upon competitive encounters along the way, but it also contained features of social organization that fostered liberty and democracy that could

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<sup>35</sup> *Autobiography, Works*, XX: 26.

<sup>36</sup> *Letters*, I: 25, 29. Hofstadter, *Social Darwinism*, 90.

not be attributed to mere competition. This race characteristic was derived from experience beginning with the minimal organization of familial ties in village life.

Because of his scientific background, Roosevelt could say that "Darwin has fairly revolutionized thought"<sup>37</sup> without falling prey to the temptation to attribute all social organization to the working of deterministic biological laws of natural selection and survival of the fittest. Yet there is progress at work, and an evolutionary progress at that. Technological improvement is matched by the spread of "the democratic idea" which will work to reduce tensions between nations and forestall wars between the old democracies and the old autocracies, now newly democratic.<sup>38</sup> Along with this spread of democracy there is also a tendency toward increasing the power of the State, for "if we look at events historically, we see that every race, as it has grown to civilized greatness has used the power of the State more and more."<sup>39</sup> Roosevelt seems here to inject some element of Hegel's theory of the ethical State as the highest development of human organization. The development toward that ethical State, however, is itself somewhat Darwinian in that it adheres to the principle of passing on acquired characteristics. According to Roosevelt,

nevertheless, society progresses, the improvement being due mainly to the transmission of acquired characters, a process which in every civilized State operates so strongly as to counterbalance the operation of that baleful law of natural selection which tells against the survival of some of the most desirable classes.<sup>40</sup>

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<sup>37</sup> "National Life and Character," *Works*, XIII: 202.

<sup>38</sup> *Ibid.*, 212, 214.

<sup>39</sup> *Ibid.*, 215.

<sup>40</sup> *Ibid.*, 216.

Racial character, another element common to Hegelian thought, works to ameliorate the harshest tendencies of Darwinian natural selection. Progress for a particular people, though, is not assured in Roosevelt's account, for "we only assert that it may be assured if we but live wise, brave, and upright lives."<sup>41</sup> This is not to say that progress worldwide would be stopped, for when one race loses those necessary virtues, the manly virtues in Roosevelt's account, some other race will assume the mantle of competitive vigor and the progress of civilization will continue forward through them.<sup>42</sup>

The character of the idea of progress as expressed in the works of Theodore Roosevelt, then, is a combination of many influences, all of them progressive in some sense. Roosevelt shares with Thomas Jefferson what Forrest McDonald refers to as the Anglo-Saxon myth.<sup>43</sup> But Roosevelt seems to differ from Jefferson regarding the manner and the extent to which human nature may be improved through historical and biological progress. Following from this, he shares the notion of the ethical state with Hegel, and the notion of human development toward perfection with both Hegel and the Social Darwinists. If we put this in terms of the characteristics of the idea of progress that Robert Nisbet identified, we see that Theodore Roosevelt fits both characteristics. He seeks amelioration of the human condition and the pursuit of comfort through application of the progress of knowledge in the arts and sciences, and he also looks toward a

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<sup>41</sup> Ibid., 222.

<sup>42</sup> "The Strenuous Life," Works, XIII: 328, 331.

<sup>43</sup> Forrest McDonald, The Presidency of Thomas Jefferson (Lawrence, KS: University Press of Kansas, 1976), ix; Novus Ordo Seclorum (Lawrence, KS: University Press of Kansas, 1985), 76-77. See also Hofstadter, Social Darwinism, 172-184.

progressive improvement in the nature of man toward some idea of perfection.<sup>44</sup> He therefore differs sharply with Thomas Jefferson and the thought common to the founding generation regarding the fundamental principles of human nature, following instead the scientific and philosophical thought coming out of Europe which undermined the belief in a fixed human nature with inherent natural rights. With this in mind, the way in which Theodore Roosevelt describes human nature will help to develop a fuller appreciation for his mixed view of the character of human progress which I have just described, as well as begin to direct us toward his thoughts on human and political ends.

### **Theodore Roosevelt on Human Nature**

Roosevelt's understanding of human nature is not presented in a systematic fashion, but rather suffuses his popular and professional rhetoric, requiring some effort to tease the deeper strands of his thought out of the more pressing practical issues he addresses at any given time. From the discussion of virtue in the previous chapter we know that Roosevelt tended to discuss human nature in terms of three general virtues: courage, common-sense, and honesty.<sup>45</sup> Among these courage seemed to occupy the exalted position, and was made up of moral and physical elements. If we were, then, to compare Roosevelt's list of virtues with the four classic human virtues of wisdom, courage, moderation, and justice<sup>46</sup> we can see common-sense as an analogue for wisdom,

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<sup>44</sup> Nisbet, 4-5.

<sup>45</sup> See note 132, Chapter Three, and accompanying text for a discussion of Roosevelt's constellation of virtues centered around courage, common-sense, and morality.

<sup>46</sup> Plato, *Republic*, 427e. Cicero uses these same classifications of the virtues, for example see *De Finibus*, Translated by H. Rackham (Cambridge: Harvard University Press, 1994), 47-55.

honesty as an analogue for justice, and courage which certainly equates to courage, but also seems in some way to incorporate moderation since it is a combination of physical and moral attributes. The influence of his scientific thinking, though, has the effect of ordering the virtues in a different way than would the ancients. Intellectual contemplation of the eternal verities would be misplaced as the highest of the virtues in a system of thought defined by the Darwinian laws of biology, but the elevation of courage to a position of preeminence would be justified in such a competitive, process-oriented system of thought.

For Roosevelt, the passions are fundamental. We must remember "the great primal needs and primal passions that are common to all of us."<sup>47</sup> It is they that are "back of our reason, our understanding, and our common-sense."<sup>48</sup> Reason appears here as subordinate to and in the service of the passions, which at their best are capable of inspiring noble action. Indeed, in such a crisis as the Civil War, whose veterans he was addressing in the speech from which the above words are taken, it is not wisdom that provided the solution, but rather the passionate dedication of patriots devoted to the preservation of a national brotherhood which the rebellion of the South sought to shatter. It is the "underlying brotherhood of our people, the feeling that there should be among them an essential unity of purpose and sympathy," and a "community of interest" that is devoted to "a lofty ideal" that is important, which in this case was devotion to the union.<sup>49</sup> The nation and its preservation is the lofty ideal that informs patriots as well as

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<sup>47</sup> "Brotherhood and the Heroic Virtues," *Works*, XIII: 463.

<sup>48</sup> *Ibid.*, 467.

<sup>49</sup> *Ibid.*, 461, 463.

statesmen.<sup>50</sup> Washington and Lincoln, the best American statesmen, are to be remembered and revered for the part they played respectively in creating the Union and preserving it more than for articulating principles of equality, liberty and the rights of mankind as the foundation of responsible self-government.<sup>51</sup> But it is not merely the preservation of the territorial boundaries or the internal integrity of the nation which is important, rather it is the national aspect of union, the bringing together of people from different backgrounds and making them into American citizens that is the important factor in nationhood, it is the creation of a State that can give meaning to the existence of the nation.<sup>52</sup> For this one does not need intellect, reason, or wisdom because the State is a product of historical forces and race characteristics rather than of a conscious rational design based upon an understanding of the nature of man and his place in the universe.

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<sup>50</sup> Works, XIII: 10, 452.

<sup>51</sup> *Ibid.*, 3, 4, 457, 500. Roosevelt also speaks in these passages of the moral influence of Washington and Lincoln, of their words as well as their deeds, yet he does not speak of liberty, or equality, or rights, or cite the Declaration of Independence and its principles as evidence of their lofty idealism. It is possible that this is a case of what Roosevelt refers to in "Manhood and Statehood," Works, XIII: 450, as "important truths, when once we have become thoroughly familiar with them, often because of that very familiarity grow dim in our minds." It seems more likely, and more consistent with Roosevelt's thought overall, that he considers the principled speech of Washington and Lincoln to be worthwhile as expressions of ideas significant to the historical period in which they were spoken, but which have since been overtaken by events. What few substantive comments he makes on the Declaration and its principles are critical at best. "I have scant patience with those who fear to undertake the task of governing the Philippines, and who openly avow that they do fear to undertake it, or that they shrink from it because of the expense and trouble; but I have even scanter patience with those who make a pretence of humanitarianism to hide and cover their timidity, and who cant about 'liberty' and the 'consent of the governed,' in order to excuse themselves for their unwillingness to play the part of men. Their doctrines, if carried out, would make it incumbent upon us to leave the Apaches of Arizona to work out their own salvation, and to decline to interfere in a single Indian reservation. Their doctrines condemn your forefathers and mine for ever having settled in these United States." "The Strenuous Life," Works, XIII: 330. "I am afraid I have not got as much reverence for the Declaration of Independence as I should have because it has made certain untruths immortal." Quoted in The Letters of Archie Butt, ed. Lawrence F. Abbott (New York: Doubleday, Page & Company, 1925), 68.

<sup>52</sup> Hence the importance of Americanism, the denigration of philosophic types who lose attachment to the country, the victory over local sentiment, and the importance of assimilating immigrants which Roosevelt argues for in his essay "True Americanism," Works, XIII: 13-26.

Man's place in the universe is known scientifically, for man is only a higher form of animal life endowed by the evolutionary process with tools of thought and reason which aid him in coping with the harshness of biological and physical necessity.

Roosevelt routinely relegates intellect to a lesser role in human affairs, preferring character as a more important human attribute. In a book review of Benjamin Kidd's Social Evolution, Roosevelt presents his views on human nature and evolution in as systematic a manner as one is to find in his works. Toward the end of the essay he addresses the relative importance of intellect.

Mr. Kidd has our cordial sympathy when he lays stress on the fact that our evolution can not be called primarily intellectual. Of course there must be an intellectual evolution, too, and Mr. Kidd perhaps fails in not making this sufficiently plain. A perfectly stupid race can never rise to a very high plane; the negro, for instance, has been kept down as much by lack of intellectual development as by anything else; but the prime factor in the preservation of a race is its power to attain a high degree of social efficiency. Love of order, ability to fight well and breed well, capacity to subordinate the interests of the individual to the interests of the community, these and similar rather humdrum qualities go to make up the sum of social efficiency.<sup>53</sup>

He continues the summation of his argument by asserting that "character is far more important than intellect to the race as to the individual. We need intellect, and there is no reason why we should not have it together with character; but if we must choose between the two we choose character without a moment's hesitation."<sup>54</sup>

According to Roosevelt, "it is the doer of deeds who actually counts in the battle for life, and not the man who looks on and says how the fight ought to be fought, without himself sharing in the stress and the danger."<sup>55</sup> The intellectual tends to pursue the latter

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<sup>53</sup> "Social Evolution," Works, XIII: 240.

<sup>54</sup> *Ibid.*, 241.

<sup>55</sup> "The College Graduate and Public Life," Works, XIII: 39.

course and to stay above the fray, an attitude for which Roosevelt has no tolerance. The ability to think well is a benefit, but only if it is used in accordance with sound principles of morality which require that the educated man enter political life and put his education to work. In doing so he will often come up against the hard fact that intellect alone is insufficient to address pressing problems. What is needed in addition, Roosevelt argues, is the ability to find practical solutions which may not require elegant intellectual formulations, and the courage to fight for them in the hurly-burly of practical politics. By such manly activity is the race advanced and civilization served. This view of human nature assumes of course that there is no need for man to speculate about his future or his nature, for that is determined by physical and historical forces beyond his control. The role of intellect, insofar as it is needed, is to identify practical solutions to practical problems of everyday life in coping with a harsh, unfriendly, and uncompromising natural environment.

The history of mankind, then, is a history of progress from a primitive, or savage, beginning, improving through a stage of barbarism, and finally entering a civilized state. The civilized state is a state of complexity of political and social organization and one demonstrating a high degree of advancement in the arts and sciences. The civilized state tends to foster democracy, expand State power, and demonstrate industrial growth and technological advance.<sup>56</sup> The development of democracy took place during what Roosevelt refers to as the period of "the great political revolutions," or "the movement

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<sup>56</sup> "National Life and Character," *Works*, XIII: 212, 214-215.



for political equality," which are at an end, their purposes having been achieved.<sup>57</sup>

Progress, however, does not stop here, for there are great problems of a social nature that must also be solved and require the further expansion of the State. Political equality, while fostering democracy, created, according to Roosevelt, a system of over-emphasis upon the individual which resulted in the debased commercial society he saw in the late nineteenth century. Because of the inequities arising from the system of political equality, a new movement is necessary "to bring all people into the rivalry of life on equal conditions of social opportunity."<sup>58</sup>

This movement for social equality can only be made possible by the intervention of government on behalf of those portions of society who experience inequality because the powers of commercial and industrial enterprise which create and maintain such inequality are so large and powerful that no other institution outside of government could begin to compete with them. If liberty, equality, and democracy were the end of this evolutionary progress, or the true origin of civil society and government, little justification for such intervention could be offered.<sup>59</sup> But, Roosevelt asserts,

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<sup>57</sup> "Social Evolution," Works, XIII: 223, 240.

<sup>58</sup> Ibid., 240.

<sup>59</sup> The so-called Social Darwinists thought individual freedom and ongoing competition, governed by the evolutionary laws of natural selection and survival of the fittest, to be the end of the evolutionary process. Roosevelt's application of Darwin differed on this point from that of the Social Darwinists. This difference puts Roosevelt in the company of the "Reform" Darwinists, though David H. Burton disputes classifying him as such. David H. Burton, "Theodore Roosevelt's Social Darwinism and Views on Imperialism," Journal of the History of Ideas XXVI (Jan-Mar 1965): 118, n. 81. I think Burton is too hasty in discarding this possibility, for Roosevelt does to a great degree fulfill Burton's two criteria for inclusion with the Reform Darwinists. He does view political questions and to a certain extent historical questions economically, and being a competent naturalist in his own right, Roosevelt applies Darwinian biological principles in a more scientific fashion than do those he criticizes. Robert C. Bannister identifies three characteristics of reform Darwinist thought: the belief that "Darwinism accurately described the nature of contemporary American society," a tendency to allege "that an increasing number of Americans invoked Darwinian terminology to justify this situation," and an insistence "that, if properly understood, Darwinism

Side by side with the selfish development in life there has been almost from the beginning a certain amount of unselfish development too; and in the evolution of humanity the unselfish side has, on the whole, tended steadily to increase at the expense of the selfish, notably in the progressive communities about whose future development Mr. Kidd is so ill at ease.<sup>60</sup>

There is, in the evolutionary process, progress to be made beyond the individualism which seems to be dictated by the competitive character of the theory of evolution.

Roosevelt repeatedly refers to this humanitarian impulse in order to refute Benjamin Kidd's argument that "there can never be found any sanction in individual reason for individual good conduct in societies where the conditions of progress prevail."<sup>61</sup>

Roosevelt argues that

in the most truly progressive societies, even now, for the great mass of the individuals composing them the interests of the social organism and of the individual are largely identical instead of antagonistic; and even where this is not true, there is a sanction of individual reason, if we use the word *reason* properly, for conduct on the part of the individual which is subordinate to the welfare of the general society.<sup>62</sup>

Progressive societies create a social organism that not only fosters a community of interest among the individuals in it, but between the individuals and the social organism itself. In Hegelian terms this would seem to coincide with the self-consciousness that creates the ethical State. The similarity with Hegelian analysis is continued in

Roosevelt's argument that

It is perfectly possible to build up a civilization which, by its surroundings and by its inheritances, working through long ages, shall make the bulk of men and women

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really supported reform." By this measure, Roosevelt can clearly be seen to be a reform Darwinist. Robert C. Bannister, Social Darwinism: Science and Myth in Anglo-American Social Thought, (Philadelphia: Temple University Press, 1979), 124.

<sup>60</sup> Ibid., 229.

<sup>61</sup> Ibid., 230.

<sup>62</sup> Ibid.

develop such characteristics of unselfishness, as well as of wisdom, that it will be the rational thing for them as individuals to act in accordance with the highest dictates of honor and courage and morality. If the intellectual development of such a civilized community goes on at an equal pace with the ethical, it will persistently war against the individuals in whom the spirit of selfishness, which apparently Mr. Kidd considers the only rational spirit, shows itself strongly. It will weed out these individuals and forbid their propagating, and therefore will steadily tend to produce a society in which the rational sanction for progress shall be identical in the individual and the State. This ideal has never yet been reached, but long steps have been taken toward reaching it; and in most progressive civilizations it is reached to the extent that the sanction for progress is the same not only for the State but for each one of the bulk of individuals composing it.<sup>63</sup>

The evolutionary process itself, then, can be seen to provide a solution for the inconveniences of the harsh and competitive evolutionary principles of natural selection and survival of the fittest.

Roosevelt's response to Kidd includes his own vision of the means by which the harshness of evolution can be softened, and how the theory of evolution itself can explain altruistic or humanitarian behavior. In this project he was not alone. Kidd himself had set out to accomplish much the same objective, and other notable scholars of the age, such as John Fiske, Henry Drummond, and Peter Kropotkin were engaged in the same task. Of Fiske, Drummond, and Kropotkin, Richard Hofstadter says they shared in common the fact that "they all endorsed solidarism; they saw the group (the species, family, tribe, class, or nation) as the unit of survival, and minimized or overlooked entirely the individual aspect of competition."<sup>64</sup> In fairness to Roosevelt, he must also be included in this group, though he may have given more credence than this trio to the continued need for cultivation of the strong and manly virtues that work to ensure fitness to survive.

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<sup>63</sup> Ibid., 234.

<sup>64</sup> Hofstadter, Social Darwinism, 104.

Roosevelt's views on human nature are presented more systematically than many other elements of his thought. Perhaps this is so because much of it appears in reviews of books in which he is responding in more systematic fashion to the arguments of the authors of those books. Whatever the reason, this more comprehensive treatment clarifies his thought and can leave the reader with questions regarding the significance of these views for Roosevelt's political thought. Since this view contradicts the understanding of human nature shared by the Founding Fathers, it also requires a reinterpretation of the ends of a government constructed upon the foundation of the Founders' view of human nature. Human nature as described by Roosevelt explicitly rejects continued pursuit of liberty as an end since the historical conditions that called for such a goal have changed. The new historical conditions demonstrate the darker side of liberty which can seem to work to institutionalize vast inequalities in wealth and social status. Therefore, the ends of individuals and government alike must change to reflect the new conditions and to take account of the altruistic character of free and moral human beings, and of the social organism. The open-ended character of the evolutionary view of human nature, though, contains problems of its own when it comes to the subject of identifying the ends of the individual life or of the government, despite the fact that it appears to offer an attractive solution to the problem of an excess of liberty that appeared to be the cause of the great discontent at the end of the nineteenth century.

### **The Question of Ends**

As Theodore Roosevelt assumed the presidency, he faced difficulties resulting from the conditions of industrial and urban development and their disruption of the

traditional social bonds in America. These were the same problems with which he had been wrestling in his writings for a decade and a half, and they seemed on the face of it to be a direct manifestation of unrestrained liberty. The situation had the appearance of the “various and unequal distribution of property” resulting in the corruption of “the regulation of these various and interfering interests [which] forms the principal task of modern legislation and involves the spirit of party and faction in the necessary and ordinary operations of government.”<sup>65</sup> As he viewed these conditions, and considered their political ramifications, Roosevelt was faced with a choice similar to that faced by Lincoln or any statesman facing a serious political problem. Should he advocate a return to the aims of the Framers by attempting to excise the corruption in the existing institutions, or should he advocate a more fundamental reform which might undermine the limitations on government contained in the Constitution? In contemplating these alternatives, Roosevelt’s philosophic and scientific background naturally inclined him toward the latter choice, which indeed was the choice he made.

The progressive character of human nature and of social organisms provided for adaptation to changing conditions such as had occurred in the United States between 1787 and the 1880s. Constitutions also changed along with changing conditions, of which two examples are the decline in influence of the electoral college in favor of a more direct reflection of the popular vote for the President, and the rise of political parties as an instrument of political organization.<sup>66</sup> A more difficult task is to fundamentally

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<sup>65</sup> The Federalist No. 10, 79.

<sup>66</sup> “The Vice-Presidency and the Campaign of 1896,” Works, XIII: 149. Thomas Hart Benton, Works, VII: 56.

reorient government goals and structure to accommodate changed conditions.<sup>67</sup> In a time of social unrest caused by great changes in industrial organization and urban concentration, limited government was seen by many as an impediment to progress. These impediments, then, had to be removed to increase the efficiency with which government was able to address the social problems created by changed conditions. Facing these same conditions, Woodrow Wilson at first advocated institutional changes that would centralize power in something akin to the parliamentary, ministerial form of government found in England.<sup>68</sup> Theodore Roosevelt, however, chose to seek "practicable and desirable methods of increasing and centring genuine responsibility" within the existing institutional structure.<sup>69</sup> One need not change the institutional structure if such structures are subject to the same evolutionary forces at work in society at large. All that is needed is insight into the new ways in which those institutions may be arranged to accomplish efficient action.

Efficiency of action, however, while admirable, does not provide any sense of direction, nor does it identify the goals toward which it is to work efficiently. Indeed, in a truly evolutionary organic system the highest end would be survival or preservation. Achieving such an end would require certain attributes which contribute to survival,

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<sup>67</sup> According to Montesquieu, "A state can change in two ways: either because its constitution is corrected or because it is corrupted. If the state has preserved its principles and its constitution changes, the latter corrects itself; if the state has lost its principles when its constitution starts to change, the constitution is corrupted." *Spirit of the Laws* XI: 13, p. 168. The changes which Roosevelt worked to institute are at the very least an addition to the principles of the state and may be a subversion of them. In either case the Constitution is liable to corruption.

<sup>68</sup> This was one of the arguments found in his book *Congressional Government*, first published in 1885, in which he openly criticized the institutional structure created by the Constitution.

<sup>69</sup> "The College Graduate and Public Life," *Works*, XIII: 43.

attributes (virtues, one might say) which demonstrate a certain hardness and ability to compete and survive in a harsh environment. The attributes which would work effectively to ensure survival in a system controlled by natural selection and survival of the fittest would probably be in need of some moderating force if they are to contribute to the survival and progress of social organization, for some modicum of cooperation would be thought necessary to the preservation of any social organization. Group survival, then, requires a somewhat different constellation of attributes than does individual survival. According to Roosevelt, the survival of the social organism is ensured by the development of altruism, which we see at work in everyday occurrences like a mother interacting with her baby. The present state of altruism is itself a product of evolutionary forces working through a third, more controversial, element of evolutionary theory, the transmission of acquired characteristics.<sup>70</sup> This, however, still leaves us with the question of what direction the social organism is heading.

The Framers of the Constitution included in the preamble of the Constitution, at the last minute, what Paul Eidelberg has referred to as a statement of ends.<sup>71</sup> Following this preamble, the body of the constitution is, according to Eidelberg, a statement of means by which those ends are to be achieved. The six ends identified in the preamble to the Constitution are: "to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity." The statement of these ends in

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<sup>70</sup> "National Life and Character," Works, XIII: 216, "Social Evolution," Works, XIII: 228-231, 234. See also "The Origin and Evolution of Life," Works, XII: 158, written in 1918.

<sup>71</sup> Paul Eidelberg, The Philosophy of the American Constitution, 29.

the preamble accurately reflects the limitations stated in greater detail in the subsequent articles of the Constitution. By stating these ends, the Framers convey some sense of the character of the general government which is to be constituted in the following articles to fulfill the stated purposes.<sup>72</sup> The Constitution itself then continues to articulate the limitations in its statement of means. Publius expressed his understanding of the meaning of a limited Constitution in The Federalist Number 78 when he wrote "by a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority."<sup>73</sup> We already know from Number 39 that this legislative authority is further limited "since its jurisdiction extends to certain enumerated objects only."<sup>74</sup> Such limitations are necessary to preserve those rights which exist prior to the institution of government from government infringement. The ends of the preamble, then, are by their very character, as statements of the legitimate purposes which the general government might pursue, directly associated with the principles of the Declaration of Independence in which we find the statement of the unalienable rights of man.<sup>75</sup>

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<sup>72</sup> "Here, in strictness, the people surrender nothing; and as they retain everything they have no need of particular reservations, 'We THE PEOPLE of the United States, to secure the blessings of liberty to ourselves and our posterity, do *ordain* and *establish* this Constitution for the United Sates of America.' Here is a better recognition of popular rights than volumes of those aphorisms which make the principal figure in several of our State bills of rights and which would sound much better in a treatise of ethics than in a constitution of government." The Federalist No. 84, 513.

<sup>73</sup> The Federalist No. 78, 466.

<sup>74</sup> *Ibid.*, No. 39, 245.

<sup>75</sup> This connection between the Declaration and Constitution is argued by some scholars on both sides of the divide between original intent and evolving interpretation. For example, see Harry V. Jaffa, How to Think About the American Revolution: A Bicentennial Cerebration (Durham, NC: Carolina Academic Press, 1978), especially 75-140. Mortimer J. Adler, We Hold These Truths (New York: Collier Books, Macmillan Publishing Company, 1987), 28-31.



The ends of government chosen to fulfill the principles of the Declaration of Independence are directly related to those principles as means to ends. The unalienable rights not only are the foundation of the government, any legitimate government, but the securing of those rights is the purpose for government, together with providing for safety and happiness. There would be no need for government, as John Locke pointed out, if each individual could protect those rights from infringement on his own, independently.<sup>76</sup> As government is instituted to protect those rights, it establishes certain goals or purposes to define what will constitute the conditions of the protection of man's rights. Justice, as Publius pointed out, "is the end of government," but it is also "the end of civil society."<sup>77</sup> Justice as an end of government is narrower than justice as an end of civil society, and thus a limitation on government. So the ends of government are identified to achieve broader ends of society as a whole, the ends for which man creates a social organization to begin with.

The limited ends of the American government, as identified in the preamble to the Constitution, state the general means by which the government to be instituted will secure the fundamental rights of life, liberty, and the pursuit of happiness. Beyond forming a more perfect Union, which is necessary for the government to accomplish the other ends, the next three defined ends work to protect life and liberty in that they provide for safety from domestic insurrection and foreign attack (tranquillity and

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<sup>76</sup> John Locke, Two Treatise of Government, with introduction and notes by Peter Laslett (New York: New American Library, 1960), 323.

<sup>77</sup> The Federalist No. 51, 324. Mansfield, America's Constitutional Soul, 146.

defence), and for the protection of private rights (justice).<sup>78</sup> The goal of promoting the general welfare assumes the preservation of rights, as David Epstein argues, but it “is also a positive good in itself.”<sup>79</sup> However, “the general welfare that government promotes does not mean welfare in a general or vague sense but the general welfare of America as a whole as distinguished from the particular welfare of individual persons or states.”<sup>80</sup> General prosperity, which is best achieved by the exercise of private rights by free individuals is the best means of achieving a general welfare, so this end is also strongly associated with the rights identified in the Declaration of Independence. The final end listed in the preamble, “to secure the Blessings of Liberty for ourselves and our Posterity,” follows from the other ends, but seems to go beyond them in providing for the “pursuit of happiness” that is peculiar to a free people. Since the provision for life and liberty has been made already in the statement of government ends, securing the “Blessings of Liberty” seems to point toward something different and higher, “the Political liberty that exists when a people is ruled only by their own consent or that of their elected representatives.”<sup>81</sup> The blessings of liberty recognizes a quality of soul that exists in a free people secure in their rights and governed by their own consent. In the Declaration of Independence and Constitution we have, then, a cohesive argument for limited government based upon “unalienable Rights,” and the institution of just such a

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<sup>78</sup> David F. Epstein, “The Political Theory of the Constitution,” in Confronting the Constitution, ed. Allan Bloom (Washington, DC: AEI, 1990), 80-86.

<sup>79</sup> Ibid., 87.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid., 89.

government based upon those rights in a written instrument which is formulated in the manner of a statement of ends followed by a statement of means whose goal is to protect and preserve those rights.

In an evolutionary development, though, there are no unalienable rights, because rights are only granted as man reaches a stage in which he begins to develop some sense of sympathy for his fellow man. Rights are a convention of government, carved out of the totality of sovereignty, or ruling authority, in such a system, and a man outside such a system would only have such rights as the regime chose to grant to outsiders. Any constitution formulated in accordance with such an understanding, then, could not conceivably consist of a statement of ends and means which would limit government in any meaningful way beyond ensuring survival, for ends as well as means would change according to the historical conditions of a particular moment in time. Limited government becomes anachronistic as well, for ignorance of future conditions dictates that government be left free to adapt to meet the challenges of the future in the most efficient manner. Still, some purpose must be identified for government. Since there are not believed to be any unalienable rights upon which to base a government, some new means of identifying the ends of government must be devised. This is to be accomplished through

the science of identifying the great movements of history as they were revealed in the institutions of the most progressive nation states and of adapting and introducing those institutions in less progressive countries. Progressive nations and institutions were to be identified by the historical-comparative method.<sup>82</sup>

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<sup>82</sup> Mahoney, "A Newer Science of Politics," 253. On the introduction of the historical-comparative method, see Hofstadter, Social Darwinism, 173-175.

Theodore Roosevelt, in apparent accord with this method, turns to comparisons with other countries to identify deficiencies in American administration and government.<sup>83</sup>

Just as the ends of limited government are associated with the conditions of human nature based on natural rights, the ends of progressive government will be associated with the conditions of human nature based upon either evolutionary science or progressive philosophy. In either case, since both views are based upon an idea of progress, the ends must aim to achieve a constant improvement in the material and moral conditions of mankind. Each alternative views progress in universal terms of species or race rather than in individual terms, and therefore the individual is subordinated to the social organism and is free to exercise only rights allowed by the social organism. Despite their lack of emphasis upon individualism, both of these progressive schools of thought, at least as articulated in America, paradoxically come to view the well-being of society in terms of the well-being of each member of the society. But this well-being is not to be achieved through the inefficient and more primitive means of individual effort and competition, but rather through the mediating coercive force of the State. Government will be granted the power to use any means to ameliorate the inconveniences of nature as well as of behavior reminiscent of a more primitive stage of development. The means of authority granted to government cannot be limited under such circumstances, for the progressive end of government is the constant improvement of mankind toward collective comfort, well-being, and security.

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<sup>83</sup> Autobiography, Works, XX: 414. Theodore Roosevelt, Presidential Addresses and State Papers, vol. 6, Homeward Bound Edition (New York: Review of Reviews Company, 1910), 1321.

Under the guidance of a progressive reading of the American constitutional identification of ends, liberty must be subordinated to welfare, for the exaltation of liberty is the hallmark of a less advanced stage of social organization which has been surpassed by progress and changed conditions. According to Roosevelt, "the great political revolutions seem to be about complete and the time of the great social revolutions has arrived." This has been brought about to a great extent by "the great dumb forces set in operation by the stupendous industrial revolution."<sup>84</sup> What this means for us is "that the movement for political equality has nearly come to an end, for its purpose has been nearly achieved. To it must now succeed a movement to bring all people into the rivalry of life on equal conditions of social opportunity," which is "the great central feature in the development of our time."<sup>85</sup> But what does this mean for a "liberty-loving"<sup>86</sup> people? Liberty sprang from the practices of the Teutonic tribes in the woods of Germany, but the fundamental condition which provided for the development of that liberty was a fundamental equality. For Roosevelt, no less than for Tocqueville, a general equality of condition, described the conditions in America under which liberty flourished. Those great dumb forces unleashed by the industrial revolution have resulted in individual liberty providing the means for a few to accumulate vast wealth, and as a result of that wealth, vast power. This has led to a decline in the general condition of equality, and therefore has the tendency to create social resentments that foster disorder. Therefore, the gap between rich and poor must be reduced in order to restore a more

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<sup>84</sup> "Social Evolution," Works, XIII: 223.

<sup>85</sup> Ibid., 240.

<sup>86</sup> "Manhood and Statehood," Works, XIII: 453.

general condition of equality, and the only institutional force in America strong enough to do this, in Roosevelt's estimation, was the government.<sup>87</sup> He is, therefore, faced with what he perceives to be a pressing need. He is also supported by a theoretical understanding of human nature and government that supports an expansion of governmental activity on the behalf of those he perceives to be disadvantaged. Evolutionary science and German idealist philosophy, both of which share a similar progressive development toward an ultimate human perfection, provide support for Theodore Roosevelt's advocacy of national government intervention to ameliorate the inconveniences of excessive individualism in economic activity in the United States.

There is, however, a more disruptive element of social transformation contained in his assertion that there "must now succeed a movement to bring all people into the rivalry of life on equal conditions of social opportunity."<sup>88</sup> What does Roosevelt mean by equal conditions of social opportunity? Does this need for equality of condition in social opportunity mean that the mechanic will engage in the rivalry of life with the banker at the banker's club, or that the banker must frequent the mechanic's saloon? Does it mean that the farmer shall reside alongside the merchant or industrialist in the fashionable section of town, or that those worthies must relocate to the country to ensure an equality of social condition? Roosevelt does not explain the ramifications of creating conditions of equality of social opportunity, nor does he explain how this social transformation will be accomplished, or even what it means in concrete terms. He does, however, argue for a

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<sup>87</sup> *Autobiography, Works*, XX: 463.

<sup>88</sup> See note 77 above.

greater sense of brotherhood, or as he calls it "Fellow-Feeling."<sup>89</sup> In his essay on "Fellow-Feeling as a Political Factor," among others, he argues that Americans would feel more kindly toward each other if they but knew each other better. Therefore, members of different classes ought to cross class boundaries in their daily activities in order to get to know how the other side lives, thinks, and feels. From this a bond will develop which will work to overcome the hostilities which arise from competition among classes or individuals, and a true Americanism will result to bind us all together as one national entity.

As readily becomes apparent, there is in Roosevelt's rhetoric a trace of socialism, and one which he does not deny even though he is very critical of the Marxian variety of socialist.<sup>90</sup> He has the tendency, as a result of this, to see issues in class and economic terms, as do many of his progressive brethren. In writing about his involvement in the settlement of the Anthracite Coal Strike of 1902, Roosevelt states that the coal operators

did not see that the right to use one's property as one will can be maintained only so long as it is consistent with the maintenance of certain fundamental human rights, of the rights to life, liberty, and the pursuit of happiness, or, as we may restate them in these latter days, of the rights of the worker to a living wage, to reasonable hours of

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<sup>89</sup> "Fellow-Feeling as a Political Factor," Works, XIII: 355-368. "It is this capacity for sympathy, for fellow-feeling and mutual understanding, which must lie at the basis of all really successful movement for good government and the betterment of social and civic conditions. There is no patent device for bringing about good government. Still less is there any patent device for remedying social evils and doing away with social inequalities. Wise legislation can help in each case, and crude, vicious, or demagogic legislation can do an infinity of harm. But the betterment must come through the slow workings of the same forces which always have tended for righteousness, and always will."

"The prime lesson to be taught is the lesson of treating each man on his worth as a man, and of remembering that while sometimes it is necessary, from both a legislative and social standpoint, to consider men as a class, yet in the long run our safety lies in recognizing the individual's worth or lack of worth as the chief basis of action, and in shaping our whole conduct, and especially our political conduct, accordingly. It is impossible for a democracy to endure if the political lines are drawn to coincide with class lines." Page 360.

<sup>90</sup> "National Life and Character," Works, XIII: 219. Autobiography, Works, XX: 156-157, 474. Autobiography, Da Capo Edition, 514-515, Appendix to Chapter XIII, "Socialism."

labor, to decent working and living conditions, to freedom of thought and speech and industrial representation - in short, to a measure of industrial democracy and, in return for his arduous toil, to a worthy and decent life according to American standards.<sup>91</sup>

The ends of government are to be, to a great extent, the support of certain classes by provision for the comforts of life by the government, and supplied by public levies, in the form of taxation and regulation, upon the more affluent segments of society. Roosevelt's notion of democracy as equality of condition comes through in his somewhat utopian vision of an American future refereed by a nearly omnipotent national government. While Roosevelt continuously articulated the need to avoid mere handouts, and the need to foster the stern virtues, the policies he advocated in pursuit of economic and social justice, by their nature, would tend to undermine those very principles by fostering class distinctions between rich and poor and by making the poor the particular wards of government action, thereby making the rhetorical argument in support of these moral principles even more important. The popular, stewardship executive seeks to achieve the public welfare by becoming a partisan of the poor, making the system more democratic, and seeking to restore the original, hardy character of the people in the process through the use of the bully pulpit.

The ends of government under such a system, without any anchor in a fixed human nature, become whatever a majority desires or can be persuaded to accept in terms of the fulfillment of their desires, and which is justified because it provides for the public welfare. As conditions in commerce, industry, and the economy change, the

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<sup>91</sup> Autobiography, Works, XX: 463-464. These bear a striking resemblance to another announcement, in 1944, of an equally amorphous and utopian economic bill of rights which foreshadowed the unending levying of entitlement claims against the government and taxpayers of the United States.



conditions of happiness, defined in terms of material welfare and comfort will change, thus creating the need for a new definition of the needs of the people and therefore of the welfare of the people. The government, as the most recognizable institution of the State, becomes responsible for the survival and comfort, or welfare, of each individual in order to satisfy the needs of the progressive social organism and to avoid retrogression to a state of individualistic liberty and uncontrolled competition.<sup>92</sup> In the progressive order, reason is subordinated to will in the service of the passions when choosing of ends, and the ends so chosen tend to satisfy the desires of passion rather than the dictates of reason.<sup>93</sup>

In Roosevelt's new dispensation, manliness takes the place of wisdom. "It is the doer of deeds who actually counts in the battle for life, and not the man who looks on and says how the fight ought to be fought, without himself sharing in the stress and danger."<sup>94</sup> The contemplative man is of less value to society in facing the future unless he himself is willing to enter the arena and overpower that woman fortune<sup>95</sup> by his own strength, courage, and manliness. The future is unknown in its particulars, but knowable

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<sup>92</sup> "For TR, the general welfare was no longer distinct from the interest of specific groups; its promotion required government to interject public power on behalf of disadvantaged social groups as well as in pursuit of potentially 'transcendent' national goals." Howard Gillman, "The Constitution Besieged: TR, Taft, and Wilson on the Virtue and Efficacy of a Faction-Free Republic," Presidential Studies Quarterly XIX, no. 1 (Winter 1989): 184.

<sup>93</sup> Compare the treatments of reason and passion by Publius in The Federalist No. 10, 78, with that of Theodore Roosevelt in "Brotherhood and the Heroic Virtues," Works, XIII: 467. Whereas Roosevelt presents passion as prior to and fundamental to reason, and reason in service of the passions, Publius presents reason as above and capable of controlling passion, but because reason is fallible the passions are able to more readily influence opinion.

<sup>94</sup> "The College Graduate and Public Life," Works, XIII: 39.

<sup>95</sup> Niccolo Machiavelli, The Prince, a New Translation, with an Introduction, by Harvey C. Mansfield, Jr. (Chicago: University of Chicago Press, 1985), 101.

in its trend and direction toward progress. It remains for the courageous to make themselves worthy of conquering the difficulties of the future in the service of progress. The Founding Fathers, though, respected fortune more than do the progressives. Knowing the power of fortune to upset the best plans of men, they sought to constitutionalize necessity,<sup>96</sup> to provide in a constitution, through foresight and reasonable reflection, for those powers needed to address those general conditions of necessity and chance that reason is able to identify through reflection and study of the lessons of history.

The progressive ideologies provide for the capacity to reflect upon the past, through reason, and to understand those forces at work, whether natural or historical, which led to the present state of progress. They do not allow for reason to prescribe a course of action to achieve certain desirable ends identified and chosen through the reflective use of reason. The ends chosen historically are understood to be the product of the passions of the individuals who pursued their own interests at the time as natural or historical conditions influenced them. We thus see a vast disparity between the American founding and the progressive ideologies in terms of the ends of government. Publius remarked in the first number of The Federalist that

it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.”<sup>97</sup>

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<sup>96</sup> Harvey C. Mansfield, Jr., Taming the Prince, 255-256.

<sup>97</sup> The Federalist No. 1, 33.

The progressives argued, at least implicitly, that constitutions were the result of accident and force. Whether historically influenced or a result of natural selection in a competitive natural order, reflective constitution-making under these conditions is limited by the human capacities of the present state of development.

Theodore Roosevelt fits easily into the progressive camp on this issue, for though he might describe the Declaration of Independence and the Constitution as great public documents of the American heritage,<sup>98</sup> he does not ascribe to them any statement of enduring principle that should guide the Americans of the late-nineteenth century, save the importance of Union. Roosevelt's various statements on national duty or purpose, such as national glory or greatness, or public welfare, are reducible to terms of preservation, survival, or comfort. The goals of the country are material goals, and the country is preserved through material means. The high ideal to which Roosevelt refers so often appears to be nothing more than the preservation and expansion of the Union. The duty to civilize the barbarian nations of the world is a duty imposed by nature or history upon a dynamic national State as a condition of its continued survival and prosperity. Should a civilized country with the capacity to perform such duty fail in the performance of that duty, another more dynamic country will take its place in the world and achieve greatness.<sup>99</sup>

## Conclusion

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<sup>98</sup> The Winning of the West, Works, IX: 218.

<sup>99</sup> "The Strenuous Life," Works, XIII: 321-324, 328, 330, 331.

Theodore Roosevelt's views on government control and regulation of social and economic phenomena reflect a common trend in American thought during the latter half of the nineteenth century. He assimilates in his mind, and expresses in a cohesive fashion, the main tenets of Darwinian evolutionary science and the principles of Hegelian statist thought, and applies this system of thought to the political conditions of his time. He thus produces a body of thought that is his own, though similar in many ways to that of many thoughtful people during the same era. He incorporates the contributions of many of them in his own thought, just as his own ideas may have been useful or instrumental in the development of the ideas of Alfred Thayer Mahan and Frederick Jackson Turner.<sup>100</sup> Had Roosevelt never become president, his works would have more than likely served their purpose at the time and then dutifully become obscure and semi-forgotten except to the student of the period. He may have joined names such as John Fiske, Josiah Strong, Peter Kropotkin, Benjamin Kidd, and Charles Pearson who also wrote on similar topics during the late nineteenth century. His celebrity has saved him from complete neglect as a representative of progressive era social and political thought, though historians tend to neglect his early writings except to draw out and ridicule some particular thought that seems quaint or ridiculous from the vantage point of several decades of "progress."<sup>101</sup>

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<sup>100</sup> Morris, The Rise of Theodore Roosevelt, 574-575, 465-466.

<sup>101</sup> Richard Hofstadter is quick to throw in the odd Rooseveltian snippet into the narrative of his Social Darwinism, though he is not willing to give him the more careful treatment he grants to many writers who would not today be remembered as of the first rank. His treatment of Roosevelt in this book is the same as in his The American Political Tradition, primarily as a useful caricature of Hofstadter's conception of a conservative.

Roosevelt shared the view with other progressives that man was somehow a part of a larger social organism that had a legitimate coercive control over the individual, much as a leg might be seen to exercise control over a foot at the behest of the brain, and that liberty could only be understood within such a system. Liberty must be seen as bounded by organic limits and duties to the higher organism. Government, in the progressive view, is just such a higher organism. This runs quite counter to the view of the Founders who viewed each individual as independent, though endowed with a social nature which encouraged cooperation with other humans in, among other things, civil and political society. In this view government is seen as something more mechanical, as a machine created to accomplish certain tasks for which it is designed. The progressives, bound by their naturalistic view of the universe, or at least of social relationships, based upon Darwinian biology which had identified new "natural" laws, were unable to conceive of government as a machine in the service of rational, designing men, seeking to effect the achievement of certain ends that were conducive to happiness in human beings beyond mere survival and comfort needs.

The progressive view of human nature undermines a government of limited ends designed partially to secure the blessings of liberty, because the blessings of liberty, insofar as they are non-material and aimed at the happiness to be had from a free life, are outside the comprehension of the progressive world-view. The happiness of man, they know, is achieved through fulfillment of physical needs and desires, and can be provided by the domination of nature, and the subjugation of those natural forces in nature which encourage strife and competition. The order found in biological and physical laws is

augmented by the human capacity to bend those laws to human will to ensure human survival and comfort, and ultimately to lead toward some conception of evolutionary human perfection. This requires, though, the coercive power of the State not only to harness the resources necessary to a project of controlling nature, but also to harness the individual drives toward independence and liberty and put them in the efficient service of the social organism. Roosevelt's writings fully reflect this progressive world-view, and represent a fundamental break with the principles of the American Founding.

## Chapter Five

### The Importance of Statesmanship

Woodrow Wilson famously described Congress as “unquestionably, the predominant and controlling force, the center and source of all motive and of all negative power.”<sup>1</sup> Where does Theodore Roosevelt perceive the motive force of the government to lie? Like Wilson, Roosevelt’s progressive understanding of the political process casts aside the constitutional operation of separation of powers wherein ambition is allowed to counteract ambition. Self-interest and passion must then be controlled somehow, for there is no mechanism for ameliorating the effects of their tendency toward selfishness in the “necessary and ordinary operations of government”<sup>2</sup> of a strictly majoritarian system. Rather than putting passion and self-interest to work in a constitutional framework which tends to control their more disagreeable tendencies, the progressives must make the control of self-interest and passion a fundamental object of government itself. Therefore a motive force is necessary to the operation of the government in order to direct it in the process of such regulation.

Woodrow Wilson identified Congress as the motive force in 1885 in his book Congressional Government. The difficulty arising from government by Congress was the

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<sup>1</sup> Congressional Government, 31. James W. Ceaser points out that for Wilson “the central problem of the American system continued to be the absence of a unitary source of vitality and direction that could arouse and move the nation. Wilson called this condition ‘Leaderless Government’ and held that it was producing a dangerous sense of drift that threatened the future of republican government in America.” Presidential Selection, 171.

<sup>2</sup> The Federalist No. 10, 79.

delegation of motivating power to committees within Congress which dispersed and fragmented power rather than focusing it in powerful institutions or persons.<sup>3</sup> Theodore Roosevelt witnessed these same problems, but came away with an altogether different perspective. Having seen the effectiveness of a powerful Speaker of the House of Representatives in the person of Thomas B. Reed, he concluded that what was necessary was not a substitution of the foreign forms of parliamentary organization and offices into American government, but rather the practice of firm leadership to bring recalcitrant legislators into line.<sup>4</sup> Roosevelt saw in Reed's use of the Speaker's authority an example of the strong and confident use of centralized authority which he had advocated and for which he had worked ever since his first term in the New York Assembly. That this authority was wielded by a Speaker of the House rather than a President is inconsequential to Roosevelt's theory until a conflict arises between the President and congressional leaders as it did in his own presidency. This forceful exercise of leadership authority is necessary to provide the government with the motive force necessary to fulfill the dictates of responsible republican government as well as to provide the direction necessary to meet the exigencies of human progress. It is, in a word, statesmanship which provides the motive force to the government in Roosevelt's theory.<sup>5</sup>

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<sup>3</sup> Wilson, Congressional Government, 59-66.

<sup>4</sup> "The Fifty-First Congress," Works, XIV: 128-131, 132-133. "The Vindication of Speaker Reed," Ibid., 169-180.

<sup>5</sup> Whereas in a classic system the motive force of the regime is informed by the ends of the regime, in a modern system a motive force must be provided since the end of self-preservation does not aim at any form of human perfection or fundamental conception of justice. Thus the predicament of the modern leader arises since there is no end defined by the formal structure and character of the regime to guide him in exercising command. In this void the modern leader is free to pursue ends defined by prerogative, successful preservation of the government being the only objective standard by which to judge the leader's



The statesman in Roosevelt's theory combines the capacity to seek and gain election among a democratic electorate, encourage the practice of the essential manly virtues necessary to responsible republican government, represent the entire people in a disinterested fashion, lead the country into a glorious future based upon principles of nationalism, pursue social and industrial democracy consistent with progressive imperatives, and most important of all, preserve the Union. These are, according to Roosevelt, the attributes of the greatest American statesmen, George Washington and Abraham Lincoln, who respectively founded and preserved the Union.<sup>6</sup> The leadership of these two statesmen during the two greatest periods of critical political danger to the Union warrants the greatest appreciation of the American people, and it is to this high standard that other statesmen should aspire and by which they should be judged by their fellow citizens. "Every American," Roosevelt says, "is richer by the heritage of the noble deeds and noble words of Washington and Lincoln."<sup>7</sup> Both of these men were able to meet the pressing necessities of their age with wisdom and practical solutions in order to preserve the Union and add to the prestige and glory of the nation.

### **Statesmanship**

David H. Burton argues that "ordinarily the judgments of a statesman may be expected to alter, perhaps drastically, after years of exposure to political and diplomatic situations constantly in flux. Theodore Roosevelt was more of an exception to that rule

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performance. In the United States a full implementation of the modern perspective requires a break from the forms of limited constitutionalism established at the founding.

<sup>6</sup> Works XIII: 3, 4, 183, 457, 500; XIV: 262; Letters II: 1047.

<sup>7</sup> "American Ideals," Works XIII: 4.

than most men.”<sup>8</sup> Was Theodore Roosevelt an unusual statesman? The question bears further examination, for it is not clear that the judgments of statesmen do routinely alter drastically with changing circumstances, or in what manner their judgments alter and in what manner they retain something consistent at the core of their political understanding that informs them in regard to the changes they choose to make. The popular conception of a statesman is “a man versed in the principles and art of government,” or “who shows wisdom in treating or directing public matters,” or is “occupied with the affairs of government and influential in shaping its policy.”<sup>9</sup> None of these attributes lends the impression that a statesman’s judgments will necessarily change, mildly or radically, when conditions change. If Roosevelt is a statesman of particular interest because he is thought to be unusual, then the popular understanding of statesmanship deserves some investigation.

In The Politics, Aristotle addresses statesmanship at length. He discusses the statesman as a particular type of lawgiver (*nomothetes*). In the first chapter of Book IV, he likens the lawgiver to a gymnastic coach who must know the capacity of each gymnast under his tutelage, be familiar with the different types of possible gymnasts, know the different possible training regimens, and be capable of crafting a training regimen appropriate to the capacity and character of each gymnast. In like manner, the statesman must know the different types of possible regimes and the different possible conditions

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<sup>8</sup> David H. Burton, “Theodore Roosevelt’s Social Darwinism,” 105.

<sup>9</sup> Webster’s New Collegiate Dictionary, based on Webster’s New International Dictionary, Second ed. (Springfield, MA: G. & C. Merriam Co., 1959).

under which they will exist in order to craft an appropriate constitution.<sup>10</sup> In the practice of his art, the statesman, then, occupies a higher position than the magistrate who performs the duties of an established office.

The lawgiver, Aristotle says, may be of two types, those who craft laws only, and those who create regimes as well as codes of laws. In addition, he says, they may perform this service for their own cities or for foreigners.<sup>11</sup> We know that the lawgiver is not an active participant in absolute monarchy, tyranny, and at least one form of democracy, for these are not true regimes since they are not ruled by law.<sup>12</sup> Thus the lawgiver works only among the regimes based upon law: oligarchy, democracy, polity, and aristocracy. These may be further reduced to primarily oligarchy and democracy, since aristocracy is typically either out of reach of most cities or similar enough to polity to be considered along with it, and polity itself “has either never arisen or has done so infrequently.”<sup>13</sup> The lawgiver’s purpose in the practice of his art is to either establish regimes, or to reform them.<sup>14</sup> The first of these purposes incorporates the regime creating, or founding, aspect of lawgiving, while the latter purpose exercises the legislative attribute of lawgiving in order to change an existing regime.

The above attributes of a lawgiver illuminate a further characteristic of lawgiving, and lead to the comparison with the gymnastics coach. The lawgiver may exhibit a

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<sup>10</sup> Aristotle, *The Politics*, Lord translation, 1288b10.

<sup>11</sup> Ibid., 1273b30.

<sup>12</sup> Ibid., 1292a31.

<sup>13</sup> Ibid., 1295a31, 1296a23, 1296a35.

<sup>14</sup> Ibid., 1289a3.

certain detachment from the regime with which he is working, just as a coach or trainer is distinct from his student. Likewise, a trainer may sometimes participate in competition as well, just as a lawgiver may participate in politics as a statesman (*politikos*). In doing so the lawgiver may benefit himself incidentally while pursuing the benefit of the city, even though his primary purpose is not to benefit himself.<sup>15</sup> Thus we find the references to the lawgiver in Book IV of The Politics exhibiting a more detached, advisory character, since here Aristotle considers the many varieties of regimes with which a lawgiver must be familiar. The lawgiver is portrayed as a more direct, involved character, presumably as a statesman, in Books VII and VIII of The Politics where the consideration is no longer the variety of regimes, but rather the best regime. The statesman may put his knowledge of the best regime to use in a democracy or an oligarchy in order to influence reform of the regime in the direction of the best regime even though he may not be able to establish the best regime.<sup>16</sup> Only where the best regime is possible may the statesman fully exercise his capacity as legislator and statesman by taking an active role in rule within the regime.

Another classical example of the role of the lawgiver as statesman we find exemplified by Scipio in Cicero's dialogue On the Commonwealth. We learn toward the end of that dialogue in Scipio's dream that he is told by his ancestor Africanus that in him "alone the safety of the state will rest," and further that he "must be dictator and must set the state in order."<sup>17</sup> Scipio has earlier stated that "to foresee impending

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<sup>15</sup> Ibid., 1279a2.

<sup>16</sup> See Ibid., 1296b35.

<sup>17</sup> Cicero, 258.

modifications, and at the same time to pilot the state, to direct its course, and to keep it under control, is the part of a great statesman.”<sup>18</sup> Cicero also tells us that “the statesman must so train himself that he may always be armed to meet emergencies which unsettle the constitution.”<sup>19</sup> Through another interlocutor, Manilius, we learn that, in his opinion, “legislation is the special function of the statesman.”<sup>20</sup> While Scipio agrees that legislation is important, he subordinates legislation to good administration as the most important function of the statesman. Rome itself has already been identified by Cicero as the perfect state in the course of the dialogue,<sup>21</sup> so here we find Scipio apparently destined to set the state in order and direct its course back to a perfect condition, or in other words fulfilling the role of lawgiver and statesman in the best regime. Scipio, in his own words, declares “the goal set before the ideal ruler of the commonwealth is the happiness of his citizens; and he strives to make them secure in their resources, rich in wealth, great in renown, distinguished in virtue. This is the task - the greatest and noblest in human life - that I would have the governor carry through to completion.”<sup>22</sup>

Still, the lawgiver, particularly as statesman, occupies an ambiguous position. What form of rule does he exercise, and in what manner is he selected to exercise his rule? Does he not resemble the absolute monarch in personally embodying what is good

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<sup>18</sup> Ibid., 134.

<sup>19</sup> Ibid., 250.

<sup>20</sup> Ibid., 244-5.

<sup>21</sup> Ibid., 152.

<sup>22</sup> Ibid., 247.

for the regime? Ernest Barker describes the statesman as first among equals,<sup>23</sup> yet if the statesman is also lawgiver how may he be said to be only first among equals? In the dual role of lawgiver and statesman, the lawgiver seems to occupy a position both inside and outside of politics, for he is capable of setting the regime in motion by his ordering of the regime, and of ruling within the very regime he has created. The problem of selecting such a ruler once again presents itself, for how and by whom is such a one to be found, judged worthy to perform such a role, and elevated to a position of rule?

If indeed the lawgiver as statesman is only first among equals, as Barker states, the only apparent way for this to happen would be in the polity or mixed regime. Simply put, the "polity is a mixture of oligarchy and democracy,"<sup>24</sup> but polity is more than simply such a mixture. It is also a mixture of democratic justice and oligarchic justice in which there is an equality for equals and an inequality for unequals.<sup>25</sup> From this understanding of justice, one might expect the unequals to perhaps be able to recognize a superior claim to rule. But since the political equality of democracy requires the participation of the many who would not be expected to recognize a superior claim to rule, how might the superior individual achieve office other than by chance? It is possible that the many, acting in concert, might together approach or equal the superior perception of the few, and thus select a ruler that matches or exceeds in quality a selection made by

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<sup>23</sup> Aristotle, The Politics of Aristotle, Translated with an introduction, notes, and appendixes by Ernest Barker (London: Oxford University Press, 1968), 1, note 3.

<sup>24</sup> Aristotle, Politics, Lord translation, 1293b33.

<sup>25</sup> Ibid., 1280a9.

the few best.<sup>26</sup> In this manner, the problem of selection might be solved without the use of force or fraud, and without doing violence to the free will of the individual who may be inclined to intransigence. This argument for the mixed regime is based on class interests and class attributes and provides the theoretical foundation for the mixed regime in classical as well as modern thought. Use of just such a balance among classes was one of the primary means of constitutional limitation of power until the introduction of the modern doctrine of separation of powers in the seventeenth century.

Statesmanship on the classical model becomes more foreign to modern politics as government becomes more institutional and less personal. One of the fundamental innovations of modern politics, as Harvey Mansfield, Jr., points out in Taming the Prince, is the move away from direct responsible rule and toward indirect rule carried out through the mediating operation of institutional offices representing functional specialties.<sup>27</sup> This is particularly true for a country like the United States in which the people choose to rule indirectly through the mechanism of a Constitution that incorporates innovations of prudence designed to diminish the possibility that one person, or a small cabal, could seize power and rule directly and arbitrarily.

Publius conveys a certain American suspicion of statesmanship on the classical model in The Federalist. His only reference to a "statesman" is negative. In Number 58 he writes: "In the ancient republics, where the whole body of people assembled in person, a single orator, or an artful statesman, was generally seen to rule with as complete a sway

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<sup>26</sup> See Harry Jaffa, "Aristotle," in History of Political Philosophy, second edition, ed. Leo Strauss and Joseph Cropsey (Chicago: Rand McNally College Publishing Company, 1972), 109-15.

<sup>27</sup> Mansfield, Taming the Prince, 130-131, 139-142.

as if a scepter had been placed in his single hand.”<sup>28</sup> Once again we see Publius defending the American Constitution as an instrument capable of making popular rule responsible and diminishing, if not eliminating, the factional character of previous popular governments. In five other places, Publius uses the plural “statesmen.”<sup>29</sup> In each of these cases he uses the word in a way that we might use it today to honor an extremely adept and respected politician or diplomat. The statesmen of these references are men working under the aegis of a government already established, and their role is to govern responsibly under the guidance of the Constitution which institutes the government when ratified by the people. Publius in these cases uses the term to mean a capable administrator or executor rather than a ruler enforcing his own legislated design which was the classic view.

The fact that Publius does not defend classical statesmanship by name in The Federalist does not mean that such a defense is not to be found in those pages, however. By couching the discussion in other terms, however, he understates the necessity of statesmanship for founding the Republic and draws attention away from the possibility that statesmanship in the classical sense will be required at some later point to preserve the country and the Constitution. Indeed, what is the founding of the country itself but an exercise in statesmanship of the highest order? Publius alludes to this when he admires “the improvement made by America on the ancient mode of preparing and establishing regular plans of government.” Contrary to the lone founders of classical foundings, the

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<sup>28</sup> The Federalist No. 58, 360.

<sup>29</sup> These five are: No. 10, 80 (used twice); No. 12, 91; No. 36, 219; and No. 70, 424.



American founding was made by “a select body of citizens, from whose common deliberations more wisdom, as well as more safety might [be] expected.”<sup>30</sup> But, rather than take too much pride in this improvement, Publius exhorts the Americans to remember the “hazards and difficulties incident to such experiments, and of the great impropriety of unnecessarily multiplying them.”<sup>31</sup> Publius alludes to the idea that the American founding will be final and require only adjustment within the constitutional context without recourse to unusually adept statesmanship. Should the need arise for great statesmen, we may find that their actions suffer from a “defect of regular authority” in order to handle the emergency.<sup>32</sup> The system as designed will preclude the necessity of statesmen in the classical mold. True statesmanship poses the difficulty of assuming an “irregular and assumed privilege of proposing to the people plans for their safety and happiness,”<sup>33</sup> a task not to be undertaken lightly. Publius also implies that the Constitution represents a superior political form of organization, and one that is unlikely to be improved upon, especially in the dangerous conditions of a national emergency.

It is not that statesmanship of the highest sort is not desirable, at least when it operates within the constitutional framework, but that it may not even be able to achieve the results necessary, and therefore becomes a frail reed upon which to base a sound government. In Number 10, Publius does not merely warns us that “enlightened

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<sup>30</sup> The Federalist No. 38, 233.

<sup>31</sup> *Ibid.* See also his caution against frequent recurrence to the people to solve constitutional issues in No. 49, 313-317.

<sup>32</sup> *Ibid.*, No. 40, 251.

<sup>33</sup> *Ibid.*, 253.

statesmen will not always be at the helm," in order "to adjust these clashing interests and render them all subservient to the public good."<sup>34</sup> He also warns that in many cases even the enlightened statesman would be unable to make appropriate adjustments to clashing interests

without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.<sup>35</sup>

Publius then concludes that faction, which is the bane of republican government, cannot be addressed by seeking to cure its causes, but rather, a cure must be "sought in the means of controlling its *effects*."<sup>36</sup> Classical statesmanship, then, is too volatile to rely upon for a stable republican regime, for it cannot solve the greatest problem of republican government, the problem of faction. In fact, such statesmanship poses the difficulty of reintroducing questions at what Jeffrey Tulis refers to as the regime level, that is at the level of questioning the very meaning of a regime and its principles.<sup>37</sup> True statesmanship has the capacity to reform the regime by introducing questions about the sufficiency of the previous regime to last, or to handle the difficulties with which it is faced. One of the benefits of the American Constitution, as Michael Allen Gillespie points out, is the extent to which it tends to preclude the development of what he refers to

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<sup>34</sup> Ibid., No. 10, 80.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Tulis, The Rhetorical Presidency, 102.

as Aristotelian “great parties” in favor of “middle class parties.”<sup>38</sup> Gillespie makes clear that

the argument in *Federalist* No. 10 is not an argument against interest based parties, at least as long as those interests are middle class interests and are the result of horizontal as opposed to vertical distinctions.<sup>39</sup>

Vertical, or class based, distinctions have the tendency to call into question the very foundations of the regime. Periods of crisis provide the opportunity for such distinctions, and such regime questions, to be introduced by artful statesmen, as Publius says, as a necessary condition of dealing with the issues at hand.

That true statesmanship is possible within the confines of the regime as constituted is demonstrated by Abraham Lincoln. Faced with the disintegration of the Union, he countered the forces of disunion with persuasion and argument rather than force until he was forced to take action in order to defend a rebel assault on federal fortifications. Lincoln knew that his very election could precipitate the disintegration of the Union and the collapse of constitutional government in the United States that he most feared. Yet he persevered in the knowledge that the Union would not ultimately survive without resolution of the issue of the expansion of slavery into the territories in favor of the federal power to control such expansion. The statesmanship of Lincoln, faced with such difficulties, is captured by Harry Jaffa in his treatment of the Lincoln-Douglas debates.

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<sup>38</sup> Michael Allen Gillespie. “Political Parties and the American Founding” in American Political Parties & Constitutional Politics, ed. Peter W. Schramm & Bradford P. Wilson (Lanham, MD: Rowman & Littlefield Publishers, Inc., 1993), 24.

<sup>39</sup> *Ibid.*, 25.

The task of a leader is to find the point of coincidence between the moral demands which are dear to the men he would lead and their self-interests, and to turn this, not only against the unjust self-interests of others, but against the unjust self-interests of his own followers. The popular leader must be prepared to gratify the less-than-noble but not immoral demands of his would-be supporters if he is to have their support for the higher purposes of statesmanship. To hold these meaner services in contempt is to abandon popular government to those who have only mean ends, and to make of popular government a mean thing.<sup>40</sup>

Lincoln's actions sustained constitutional government in the United States, and demonstrated an example of statesmanship of the highest order put to use in preserving rather than upsetting an existing government. A requirement for such statesmanlike action appears to have not been foreseen by the statesmen of the founding, or their statesmanlike spokesman Publius. It may be that part of the prudence of the founding was to not attempt to provide constitutional solutions for every situation which would require the exercise of profound statesmanship during critical moments in the life of the country, but rather to rely upon the character of constitutional offices and the conditions of the times to call forth a true statesman fit to perform the duty necessary to preserve constitutional government. If prudent foresight is insufficient to provide solutions to factional strife between interested parties in advance, it may be asking too much for that same prudent foresight to constitutionalize the necessity for statesmanship in periods of crisis which are severe enough to test the very survival of the country. It may be that the best prudence can provide is an institutional structure capable of enticing the best of men to desire to fill those offices in time of need by promising the power and rewards commensurate to true statesmanship.

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<sup>40</sup> Harry V. Jaffa, Crisis of the House Divided (Seattle: University of Washington Press, 1959), 198-199.

Abraham Lincoln was Theodore Roosevelt's great hero, and Roosevelt consciously held Lincoln to be the standard by which he judged his own presidential actions. More than anything, Roosevelt saw Lincoln as the great preserver of the Union, and upon such preservation the hopes of all future dreams of American accomplishment in the world rested. The Union is the high ideal which is the inspiration of all great American statesmen in Roosevelt's view. "Our greatest statesmen have always been those who *believed in the nation* - who had faith in the power of our people to spread until they should become the mightiest among the people of the world."<sup>41</sup> It was the responsibility of statesmen of Roosevelt's era to lead the American expansion into the world, previous statesmen having overseen the expansion across the continent and the consolidation of that territory into one great nation. The laws of progress dictated such expansion, in the ultimate interest of those people who would come under the benevolent influence of the Americans, and in the service of civilization. The statesman must instill in the people the character necessary to carry such a burden on behalf of their own nation's glory and the greater glory of serving the high ideal of civilization. Roosevelt, then, considered certain attributes which would serve the country well in pursuit of these objectives to be necessary in the successful and useful statesman.

Of equal importance to the personal and leadership attributes of the statesman is the opportunity to lead the country in some time of great crisis which serves to illuminate the distinct character of the truly great statesman. George Washington and Abraham Lincoln were two such statesmen who were faced with two of the most momentous

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<sup>41</sup> "Manhood and Statehood," Works, XIII: 452.

situations that could confront any statesman, the very survival of the nation. In each case, these men rose to the challenge of the times and proved their mettle as statesmen of the highest order, or as Roosevelt writes, "these men were the greatest of their type, the type of Timoleon and Hampden, and it is no small honor to America that this, the highest, type of statesmanship should have here received its highest development."<sup>42</sup> Such grand demonstrations of statesmanlike character are not frequently given the opportunity to display themselves, and many might be the potential statesman who for want of a suitably noble crisis remains forever unknown.

Roosevelt recognized this inconvenient fact and may have lamented the lack of a suitably great opportunity to demonstrate his own statesmanlike qualities. In addressing a banquet in honor of William McKinley, Roosevelt noted that

if during the lifetime of a generation no crisis occurs sufficient to call out in marked manner the energies of the strongest leader, then of course the world does not and cannot know of the existence of such a leader; and in consequence there are long periods in the history of every nation during which no man appears who leaves an indelible mark in history.<sup>43</sup>

Years later, in an address at the Cambridge Union in England, Roosevelt expressed much this same sentiment.

I thing [sic] that any man who has had what is regarded in the world as a great success must realize that the element of chance has played a great part in it. Of course a man has to take advantage of his opportunities; but the opportunities have to come. If there is not the war, you don't get the great general; if there is not a great occasion, you don't get the great statesman; if Lincoln had lived in times of peace, no one would have known his name now. The great crisis must come, or no man has the chance to develop great qualities.<sup>44</sup>

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<sup>42</sup> "Preface," Men of Action, Works, XI: 184.

<sup>43</sup> "William McKinley," Works, XI: 236.

<sup>44</sup> "The Conditions of Success," Works, XIII: 575-576. A very similar version of this same argument appears in Roosevelt's Autobiography, Works, XX: 54-56.

One cannot read these passages without wondering to what extent they express a longing in the speaker to have had the opportunity to lead the United States during a time of war or great national crisis.<sup>45</sup> Even though Theodore Roosevelt did not lead the country during such a time, his many noteworthy accomplishments nonetheless reserve for him a secure place in the pantheon of American statesmen. For despite his disappointment in the fact that blind chance may have left him without an opportunity to display greatness of an extraordinary character, his writings spell out clearly his understanding of the qualities necessary to successful statesmanship that may aspire to the highest level of achievement.

The qualities he identifies as necessary to statesmanship fit into two categories, personal characteristics, and public characteristics. Among the personal characteristics he includes virtue, ambition, and vision, while the public characteristics include education, rhetoric, popular leadership, and efficient administration. In addition, statesmanship in the American system, Roosevelt finds, is most often exercised by practicing politicians

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<sup>45</sup> Some historians and political scientists give voice to this possible desire, and in the case of Stephen Skowronek, even attempt to attribute such statements of longing to Roosevelt himself. While there appears to be little doubt that Roosevelt would have liked to have led the United States through World War I instead of Woodrow Wilson, such sentiments tend to come across as undercurrents in Roosevelt's rhetoric. Roosevelt continually portrays himself as happy in whatever circumstances he finds himself, and takes advantage of whatever opportunities present themselves to him as a chance to achieve immortal renown. See Nathan Miller, *Theodore Roosevelt: A Life*, 544, "The overriding reason [for TR's antipathy to Wilson], however, lay in the fact that throughout his presidency, Roosevelt had hoped for some momentous event whose resolution would enable him to stand with Washington and Lincoln in the pantheon of American heroes." Stephen Skowronek, *The Politics President's Make*, 228, "Though Theodore Roosevelt proudly placed himself in the 'Jackson-Lincoln tradition' of presidential leadership, he was also the first to admit that such comparisons left him short. As steward of a nation that was flush with prosperity, heady with imperial triumphs, and rock solidly Republican, Roosevelt knew that he was an awkward match with those who rode into power on the heels of national upheaval and political disintegration."

who make their way in the “very rough-and-tumble, workaday world” of politics.<sup>46</sup>

Roosevelt argues that

among free peoples, and especially among the free peoples that speak English, it is only in very exceptional circumstances that a statesman can be efficient, can be of use to the country, unless he is also (not as a substitute, but in addition) a politician.<sup>47</sup>

Statesmanship is to be found in political activity, and is to be the mark of a particularly honest, useful, and efficient breed of politician. Roosevelt also often attributes the qualities of statesmanship to non-statesmen in a manner that follows the popular definition of statesmanship as a skill in the management of government operations. In doing this Roosevelt tends to blur the distinction between true statesmanship and statesmanlike performance of a lesser order and thus blurs the distinction between statesmanship and magistracy.

### **Virtue and the Statesman**

The “noble deeds and noble words of Washington and Lincoln” left a heritage to American citizens wherein they are made richer according to Roosevelt. Not richer in material benefits, but in “things higher and nobler which can never be bestowed by the judgment of mere material prosperity.”<sup>48</sup> Those who pursue material prosperity above all else, who have “a purely commercial ideal” do not leave such a heritage behind because to them “such words as national honor and glory, as courage and daring, and loyalty and unselfishness, had become meaningless.”<sup>49</sup> Commercial men do not, in

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<sup>46</sup> Letters, V: 351.

<sup>47</sup> Ibid.

<sup>48</sup> “American Ideals,” Works, XIII: 4.

<sup>49</sup> Ibid., 11.



Roosevelt's estimation, have the qualities of character necessary to statesmanship because of their emphasis upon the material aspects of life which blind them to the nobler pursuits. "We honor the architects of our wonderful material prosperity," he wrote, "we appreciate the necessity of thrift, energy, and business enterprise, and we know that even these are of no avail without the civic and social virtues." The nobility of true statesmanship is to be found in something other than an emphasis upon the accumulation of material wealth, that is, the practice of politics which seeks to fulfill high ideals in the interest of the people.

Not all politicians are cut out to be useful statesmen either. A considerable number are distracted by the influences of wealth, of pressure groups, or of local political machines. This, in Roosevelt's view, is particularly true of legislative bodies. Speaking of the New York Assembly, he said

there is hardly one of the many and widely diversified interests of the State that has not a mouthpiece at Albany, and hardly a single class of its citizens - not even excepting, I regret to say, the criminal class - which lacks its representatives among the legislators.<sup>50</sup>

This negative view of the influence of pressure groups on the legislative process was common in Roosevelt's writings. Regarding the United States Congress he had this to say:

Legislative government is, as its name implies, government by the enactment of laws after debate. The debate is to be used for the purpose of assisting legislation, for procuring wise legislation. The minute it is perverted from these legitimate and lawful ends, and used to stop all legislation, or any legislation of which the minority disapproves, it becomes improper and should be suppressed with a strong hand.<sup>51</sup>

<sup>50</sup> "Phases of State Legislation," Works, XIII: 78.

<sup>51</sup> "The Fifty-First Congress," Works, XIV: 129.

Continuing this theme in a later article, Roosevelt applauded the Fifty-first Congress for having "settled once for all, the fact that the national legislature was indeed a legislative body and not a mere impotent debating society."<sup>52</sup> The fine work done by this session of Congress, he argued, "laid under deep obligations all believers in representative government throughout the world."<sup>53</sup> "In order that a republic may exist," he continued, "there must be some form of representative government, and this representative government must include a legislature. If the practices to which Mr. Reed put a stop were allowed to become chronic, representative government would itself be an impossibility."<sup>54</sup> Speaker Reed is one of the few legislative figures that Roosevelt appears to elevate to the status of statesman, though he does acknowledge in his Autobiography the assistance of many Congressmen and Senators who aided in the passage of the progressive agenda.

Only a small portion of American citizens, then, even have the initial qualifications for statesmanship, and the group becomes more select as Roosevelt further refines those qualifications. Men involved in commercial activity have mostly been removed from the pool, as have many politicians who do not have the necessary independence. The pool of available candidates is further decreased by the requirements

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<sup>52</sup> "The Vindication of Speaker Reed," *Ibid.*, 170.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*, 180. It is ironic that Roosevelt here praises Speaker Thomas Reed for his autocratic methods used to bring and maintain order to the House of Representatives. Under an equally strong, or stronger, Speaker of the House, Speaker Cannon, The House became a thorn in Roosevelt's side as President, hindering many of his attempts to center power in the presidency or executive branch, as well as blocking many of his progressive programs which entailed the expansion of government into new areas of activity.

of virtue. Those same virtues desirable in the body politic are necessary in the statesman, and for Roosevelt the preeminent virtues are honesty, courage, and common-sense.<sup>55</sup> Without this foundation the other virtues such as disinterestedness, unselfishness, gentleness, tolerance, righteousness, generosity, and wisdom are insufficient to the task of successfully preserving the country. "The men who wish to work for decent politics must work practically," but "they must also show that they possess the essential manly virtues of energy, resolution, and of indomitable personal courage."<sup>56</sup>

The educated man, too, must retain these sterner qualities so he may enter the hurly-burly of politics and compete with his fellows on the level to which they may be accustomed, and only courage will be capable of sustaining a man through such challenges. Education, in addition, should provide other benefits to society, such as intensifying patriotism, increasing power, and promoting "efficient work."<sup>57</sup> The result to be had from a balance of these virtues in an educated responsible citizen willing and able to take his place in the practice of politics is a convergence of practical and theoretic politics which is necessary for those who would "rise to the highest rank."<sup>58</sup> The best statesmen are not only honest, courageous, and prudent, but they are also wise, unselfish, disinterested, generous, hard-working, and patriotic. It is unusual to find the confluence of all these qualities in a single individual, and even more unusual to find such a person

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<sup>55</sup> See Presidential Addresses and State Papers, I: 30,32; III: 272, V: 794, and Works, XIII: 321, 323, 328, 332, 386, 449, 473, 474-475, 489, for example.

<sup>56</sup> "The Manly Virtues and Practical Politics," Works, XIII: 35.

<sup>57</sup> "The Monroe Doctrine," Works, XIII: 178, 179.

<sup>58</sup> 74, 75.

positioned fortuitously in an office in which good work can be done at a time when that work is vitally needed. America, Roosevelt constantly reminds us, has been very fortunate in having just such men in exactly the right place at exactly the right moment to achieve great results in the service of the country. It is this standard, the standard of Washington and Lincoln, to which any aspiring politician or statesman ought to look, for in doing so he would never be led astray.

### **Ambition and the Statesman**

The second personal attribute of the statesman has to do with the manner in which he is selected to the positions of leadership and influence in which he is able to exercise his particular talents to the full. The fact that the United States has a republican government means that someone with the potential to be a statesman must in some way be recognized and selected by the people or their representatives. The aspiring statesman must place himself in the public eye and make himself available for public office, which in America generally means becoming a politician and running for election. Ambition, and the desire for the honors of office, to some extent, play a part in the reflections of any person who would aspire to the status of statesman in the United States.

It is the duty of "every man who wishes well to his country," Roosevelt says, "to take an active part in political life."<sup>59</sup> This duty, however, falls harder on those who have been endowed by fortune with greater advantages, such as wealth and education. "If there is an equality of rights," Roosevelt argues, "there is an inequality of duties," and "it is proper to demand more from the man with exceptional advantages than from the man

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<sup>59</sup> "The Manly Virtues and Practical Politics," *Works*, XIII: 29.

without them.”<sup>60</sup> Further, “the country has a right to demand the honest and efficient service of every man in it,” and “the country is so much the poorer when any class of honest men fail to do their duty by it.”<sup>61</sup> But the man with exceptional advantages, such as education, “is entitled to no more respect and consideration than he can win by actual performance.”<sup>62</sup> This presents us with a paradox, for if there are unequal duties to the country based upon the unequal capacities of some individuals, even though they may be the result entirely of fortune and there is to be no public respect for those unequal capacities, then how is one to rise in service to attain the office suitable to one’s talents? Only an ambition to secure such office can provide the answer, for there is no consideration given here to the natural justice discussed by the classical political philosophers, for even “the educated man must realize that he is living in a democracy and under democratic conditions.”<sup>63</sup> Only self-selection can provide the answer, and for such self-selection to occur requires the courage to confront one’s natural inferiors, if indeed there is such a thing, in the arena of politics. The statesman, then, must normally be ambitious enough to seek office, for the only other mechanism, at least in Roosevelt’s theory, to elevate a deserving individual to a political office for which he is ideally suited strictly on the basis of merit, is to be chosen for a high administrative post by a politician.

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<sup>60</sup> “The College Graduate and Public Life,” *Works*, XIII: 63.

<sup>61</sup> *Ibid.*, 38.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

We must, then, inquire into the nature of the ambition that motivates American statesmen to pursue the goals they pursue, at least as Roosevelt understood those motives.

In one of the few instances when he actually addressed the issue of ambition directly, Roosevelt made his position quite clear regarding his view of ambition rightly and wrongly pursued. In a notable paragraph in his essay "The Duties of American Citizenship,"<sup>64</sup> wherein he also makes the remarkable observation that "the voice of the people is not always the voice of God,"<sup>65</sup> he has this to say about political ambition.

There is every reason why a man should have an honorable ambition to enter public life, and an honorable ambition to stay there when he is in; but he ought to make up his mind that he cares for it only as long as he can stay in it on his own terms, without sacrifice of his own principles; and if he does thus make up his mind he can really accomplish twice as much for the nation, and can reflect a hundredfold greater honor upon himself, in a short term of service, than can the man who grows gray in the public employment at the cost of sacrificing what he believes to be true and honest.<sup>66</sup>

Yet, in the very same passage Roosevelt has already said that a man should not "let himself regard his political career as a means of livelihood, or as his sole occupation in life; for if he does he immediately becomes most seriously handicapped."<sup>67</sup> He also follows this remarkable paragraph by further qualifying his statements on political ambition by remarking of such a politician "that in being virtuous he must not become ineffective."<sup>68</sup> Strictly political issues that do not call honesty or integrity into question are always to be qualified by their effectiveness or efficiency in Roosevelt's view.

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<sup>64</sup> Works, XIII: 281-296.

<sup>65</sup> *Ibid.*, 289.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*, 288.

<sup>68</sup> *Ibid.*, 289.

Outside of the preservation of the Union, there are almost no political issues that rise to the level of principle and are hence beyond compromise.

Roosevelt, though, speaks very infrequently in terms of ambition. Rather, he speaks most often in terms of duty, of which political participation and leadership are examples, and he speaks disparagingly of those who fail to do their duty and thus rob the country of the benefit of their talents.<sup>69</sup> Because, as we have seen, he does not view the success of our system of government in terms of institutional safeguards such as separation of powers or legislative checks and balances, he tends not to think in terms of ambition countering ambition in order to create a stable situation. Raw ambition can tend to disrupt the cooperation, the fellow-feeling, and the brotherhood that is necessary to successful self-government, and is a trait more likely to be found among those engaged in the competitive pursuit of commercial or material interests rather than public interests.<sup>70</sup>

Roosevelt argues that

it is vital that every man who is in politics, as every man ought to be, with a disinterested purpose to serve the public, should strive steadily for reform; that he should have the highest ideals. He must lead, only he must lead in the right direction, and normally he must be in sight of his followers.<sup>71</sup>

It is not primarily ambition that Roosevelt looks for in a statesman, but rather a disinterested devotion to the nation and to the people. Once again we see here the classical influence in his thinking. Political greatness proceeds not out of the

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<sup>69</sup> 347.

<sup>70</sup> Gouverneur Morris, Works, VII: 335.

<sup>71</sup> "Latitude and Longitude Among Reformers," Works, XIII: 352.

reconciliation of clashing interests, but out of the heart of the unselfish, disinterested, and patriotic statesman.

In public life we need not only men who are able to work in and through their parties, but also upright, fearless, rational independents, who will deal impartial justice to all men and all parties. We need scholarly men, too - men who study all the difficult questions of our political life from the standpoint both of practice and of theory; men who thus study trusts, or municipal government, or finance, or taxation, or civil-service reform, as the authors of the 'Federalist' studied the problems of federal government.<sup>72</sup>

Washington and Lincoln occupy the pinnacle of statesmanship in part, Roosevelt argues, because of their "power of self-repression," an attribute which Oliver Cromwell, the subject of one of Roosevelt's biographies, lacked and which was partially responsible for the failure of the commonwealth in England.<sup>73</sup> Popular government in America has succeeded in part because of the willingness of American statesmen to relinquish power in peaceable transitions following defeat in an election. This element of self-repression is evident in their commitment in duty to something higher than themselves.

But our debt is yet greater to the men whose highest type is to be found in a statesman like Lincoln, a soldier like Grant. They showed by their lives that they recognized the law of work, the law of strife; they toiled to win a competence for themselves and those dependent upon them; but they recognized that there were yet other and even loftier duties - duties to the nation and duties to the race.<sup>74</sup>

This sense of duty sets the statesman apart from those who consider only their own comfort or material benefit. It is this sense of duty which enables a statesman to relinquish power for the public good, knowing the honor to be attained by such an act of

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<sup>72</sup> Ibid., 351.

<sup>73</sup> Letters, II: 1047.

<sup>74</sup> "The Strenuous Life," Works, XIII: 323.



unselfishness is higher than that to be obtained by lingering in power in pursuit of glory for oneself.<sup>75</sup>

This is not to say that there are not rewards of honor or glory that accrue deservedly to the statesman. Roosevelt firmly believes there are such rewards. In responding to a book by Mr. Charles Pearson, Roosevelt took issue with this early declinist, arguing that it was not the case that "statecraft at the present day" offered "fewer prizes, and prizes of less worth than formerly." In addition, the times were not such as to give "no chance for the development of men like Augustus Caesar, Richelieu, or Chatham." Roosevelt has merely to point to Bismark in order to call Pearson's statement into question. He further asserts that

we Americans at least will with difficulty be persuaded that there has ever been a time when a nobler prize of achievement, suffering, and success was offered to any statesman than was offered both to Washington and to Lincoln.<sup>76</sup>

Washington and Lincoln could not in any way be described as vain glory-seekers, and therefore, as Roosevelt attests, all Americans "inherit also all that is best and highest in their character and in their lives" as a heritage of their "noble deeds and noble words."<sup>77</sup>

Roosevelt further delineates the boundaries of the ambition that fires the soul of the truly great man in an article he wrote for McClure's Magazine about "Admiral Dewey." In this article Roosevelt identified three lessons from Dewey's example which should prove "an inspiration to his countrymen." The first lesson is that Dewey "partly

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<sup>75</sup> "The Duties of American Citizenship," Works, XIII: 288-289.

<sup>76</sup> "National Life and Character," Works, XIII: 221.

<sup>77</sup> "American Ideals," Works, XIII: 4.

grasped and partly made his opportunity,” and “when the chance does come, only the great man can see it instantly and use it aright.”<sup>78</sup> The second lesson is “that the power of using the chance aright comes only to the man who has faithfully and for long years made ready himself and his weapons for the possible need. Finally, and most important of all, it should ever be kept in mind that the man who does a great work must almost invariably owe the possibility of doing it to the faithful work of other men, either at the time or long before.”<sup>79</sup> This is an ambition reserved to the service of a noble purpose, in Admiral Dewey’s case the military service of his country. It is in service to a strongly felt duty rather than primarily to one’s own glory. Roosevelt’s enumeration of Dewey’s attributes of greatness recall to mind the praise of Publius for the rare “men who could neither be distressed nor won into a sacrifice of their duty,” for “this stern virtue is the growth of few soils.”<sup>80</sup>

This same perspective on the ambition of great men is also expressed eloquently by Roosevelt in the conclusion to a speech delivered in honor of General Grant.

To do our duty - that is the sum and substance of the whole matter. We are not trying to win glory. We are not trying to do anything especially brilliant or unusual. We are setting ourselves vigorously at each task, as the task arises, and we are trying to face each difficulty as Grant faced innumerable and infinitely greater difficulties. The sure way to succeed is to set about our work in the spirit that marked the great soldier whose life we this day celebrate: the spirit of devotion to duty, of determination to deal fairly, justly, and fearlessly with all men, and of iron resolution never to abandon any task once begun until it has been brought to a successful and triumphant conclusion.<sup>81</sup>

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<sup>78</sup> “Admiral Dewey,” *Works*, XIII: 420.

<sup>79</sup> *Ibid.*

<sup>80</sup> *The Federalist* No. 73, 441.

<sup>81</sup> “General Grant,” *Works*, XIII: 441

The kind of ambition Roosevelt finds in the great men he chooses to set before the American people as examples approximates what the classics would call magnanimity. It is the peculiar trait of the magnanimous man that he knows his character and his actions to be worthy of honor, but he also knows that to demand the honor owed him would itself be dishonorable, and therefore beneath his dignity. Roosevelt grasps and conveys at least a sense of this magnanimity in his treatment of the ambition of truly great statesmen. The desire for fully deserved honor remains consistent with devotion to public duty. Indeed, there can be no higher honor than that conferred for dutiful service to the nation in the most critical situations.

### **Political Vision and Statesmanship**

The third personal attribute of great statesmen entails a capacity to understand the great difficulties of the age and to find practical solutions to those problems that are consistent not only with the evolutionary progress of the social organism, but also consistent with the character of the people as evidenced in the traditions of their past. Therefore, Roosevelt finds ways to put new wine into the old bottle of the Constitution. His progressive world-view provides the means whereby this can be done while maintaining the appearance of devotion to the old forms. Progressivism does not demand a public assault upon the Constitution, but rather may settle for a more subtle reinterpretation of the meaning and potential of the constitutional forms consistent with the demands of the age. Unlike Woodrow Wilson, Roosevelt advocates no fundamental alteration of the Constitution. Rather, he finds authority for the most radical expansion of national government activity to already be consistent with the Constitution because the

needs of the times demand it. Just as John Marshall laid the theoretical foundation for the defense of inherent powers, Roosevelt articulates a new theoretical justification for the expansion of the national government into hitherto prohibited activities. The forces that impel such progress are the duty to serve the cause of civilization, primarily in the international arena, and in the domestic arena the movement toward the national state and beyond it to what we now refer to as the welfare state.

"Every state has, of course, a duty to the world," writes John Burgess, Roosevelt's professor of political science at Columbia Law School, "it must contribute its just share to the civilization of the world." This work of civilization, Burgess argues, is the business of "organizing the world politically."<sup>82</sup> The highest form of political organization is the national state, and therefore, it is the duty of more civilized states to carry the gospel, so to speak, of the national state to those who are less civilized. This theme of progress in civilization is a major recurring theme in Theodore Roosevelt's writings and speeches. In "The Strenuous Life," one of his more famous speeches, this theme is stated with great force and eloquence.

"Thrice happy is the nation that has a glorious history," Roosevelt says, for

far better is it to dare mighty things, to win glorious triumphs, even though checkered by failure, than to take rank with those poor spirits who neither enjoy much nor suffer much, because they live in the gray twilight that knows not victory nor defeat.<sup>83</sup>

The United States has just begun, Roosevelt acknowledges, to exert itself in the world, to carry the burdens of duty that are necessary to a nation that would be great, dare those

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<sup>82</sup> John Burgess, Political Science and Comparative Constitutional Law, I: 43, 48.

<sup>83</sup> "The Strenuous Life," Works, XIII: 321.

mighty things, and win those glorious triumphs. The victory over Spain and consequent acquisition of the Philippines "left us echoes of glory, but they also left us a legacy of duty."<sup>84</sup> There is, Roosevelt says, work to be done, "we can not escape our responsibility; and if we are worth our salt, we shall be glad of the chance to do the work - glad of the chance to show ourselves equal to one of the great tasks set modern civilization."<sup>85</sup> It is the task of the statesman to articulate to the American people what their duty is in the world, and especially so when they are unsure of their duty and the means by which they can fulfill it. The statesman understands that this duty is imposed in the name of civilization, and that it cannot be rejected or "some stronger and more manful race" will step forward and assume the mantle of responsibility for the advance of civilization.<sup>86</sup>

The performance of duty requires virtue, and the strength and discipline to do what virtue requires. Roosevelt, in following Burgess's line of argument, recognizes the Teutonic peoples as those particularly endowed by their character and experience to carry civilization to the savage or barbarian peoples of the world. One of the primary tasks of the statesman, then, is to articulate the need for the people to maintain the virtues that are necessary to the fulfillment of their duties as civilized men in a civilized country. The statesman works to maintain the character of the people so that they are worthy of performing the duty of advancing the cause of civilization. He must also work against the distractions to virtue, which in the United States primarily take the form of the pursuit of

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<sup>84</sup> Ibid., 324.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid., 328.

material wealth and a life of ease. In response to this material and commercial tendency in the American people, Roosevelt argues that we cannot

be content to rot by inches in ignoble ease within our borders, taking no interest in what goes on beyond them, sunk in a scrambling commercialism; heedless of the higher life, the life of aspiration, of toil and risk, busying ourselves only with the wants of our bodies for the day.<sup>87</sup>

The vision of the statesman is to pursue a noble goal at the head of a worthy people, whose character makes them capable and deserving of the honor of greatness in the world. Statesmanship is not argument about or persuasion regarding the finer points of a policy agenda, but rather the shaping of the national character in such a way that a virtuous people will choose or support the policies appropriate to the achievement of a noble goal. It is the education in virtue that is important rather than the education in policy or legislation. Therefore, as Jeffrey Tulis points out, as President, "Roosevelt's speech was distinguished from most subsequent presidential speech by the care he took to state his case in terms of principle, not detailed policy."<sup>88</sup> Still, despite the principled tone, much of Roosevelt's popular rhetoric had clear policy purposes. Insofar as the principle, or the noble goal, is the progressive advance of civilization, and insofar as the virtues articulated are those necessary to the fulfillment of the progressive goal, the proper policies will follow as a matter of course.

The statesman in the national arena in like manner encourages the virtues necessary to the development of the national state. As Roosevelt argues, it was not until after the Civil War that the United States had settled the local versus national issue and

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<sup>87</sup> Ibid., 322.

<sup>88</sup> Jeffrey Tulis, *The Rhetorical Presidency*, 108.

moved along in the process of development unequivocally in the direction of the national state.<sup>89</sup> The end of the Civil War in a victory for the forces of Union coincided, in Roosevelt's estimation, with the fact that "the movement for political equality has nearly come to an end, for its purpose has been nearly achieved."<sup>90</sup> The resolution of the issues of political equality and national precedence over the states in the federal structure provided the conditions in the United States in which were unleashed "the great dumb forces set in operation by the stupendous industrial revolution." The social and economic conditions resulting from the industrial revolution ushered in "the time of the great social revolutions."<sup>91</sup>

A new high ideal results from the forces at work. As conditions change, the goals and purposes of statesmen must change as well, though not necessarily their principled judgments. New problems demand new practical solutions, and it is the particular skill of the statesman to find just such practical solutions without falling either into corruption by the forces of materialism, or falling into irrelevance by following the dreams of starry-eyed reformers entranced by theoretical utopias. "The men who founded this nation," according to Roosevelt,

had to deal with theories of government and the fundamental principles of free institutions. We are now concerned with a different set of questions, for the Republic has been firmly established, its principles thoroughly tested and fully approved. To merely political issues have succeeded those of grave social and economic importance, the solution of which demands the best efforts of the best men. We have a right to expect that a wise and leading part in the effort to attain this solution will be

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<sup>89</sup> "The Strenuous Life," Works, XIII: 321, 323. Brotherhood and the Heroic Virtues," *Ibid.*, 463.

<sup>90</sup> "Social Evolution," Works, XIII: 345.

<sup>91</sup> *Ibid.*, 223.

taken by those who have been exceptionally blessed in the matter of obtaining an education.<sup>92</sup>

The spirit in which the nation must face these changes in condition and changes in purpose must include "the spirit of sanity and courage, the spirit which combines hard common-sense with the loftiest idealism."<sup>93</sup> Progress requires vision and courage. The statesman is particularly endowed with vision, and his role in large part is to stiffen the courage of the people to face the future with confidence in their own strength and virtue.

A distinction may be drawn here between Theodore Roosevelt and Woodrow Wilson, who appear so similar to each other in so many aspects of their political thought. Charles Kesler has observed of Woodrow Wilson that

the distinctive character of the "statesmanship of progress," as he called it, was the requirement of historical "vision" or "sympathetic insight" - the ability to see whither history is tending and to prepare the nation to move in that direction, to move with the current rather than to struggle against it or be caught in its eddies - or be dashed by it against the rocks.<sup>94</sup>

Wilson's conception of vision captured here as a "revelation that history vouchsafes to him,"<sup>95</sup> differs markedly from Roosevelt's view that the statesman can prepare the people for the future by building up their essential virtues to deal with an essentially unknowable future. Progress will of course be the tendency of the future, but as

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<sup>92</sup> The Ideals of Washington," Works, XIII: 504-505.

<sup>93</sup> Ibid., 505.

<sup>94</sup> Charles R. Kesler, "Woodrow Wilson and the Statesmanship of Progress," in Natural Right and Political Right: Essays in Honor of Harry V. Jaffa, ed. Thomas B. Silver and Peter W. Schramm (Durham, NC: Carolina Academic Press, 1984), 105. Both James Ceaser, Presidential Selection, 188-192, and Jeffrey Tulis, The Rhetorical Presidency, 125-126, 128-130, refer to Wilson's concept of "interpretation" to address this capacity of the Wilsonian statesman.

<sup>95</sup> Charles R. Kesler, "Separation of Powers and the Administrative State," in The Imperial Congress: Crisis in the Separation of Powers, ed. Gordon S. Jones and John A. Marini, foreword by Representative Newt Gingrich (New York: Pharos Books, 1988), 36.



Roosevelt says, in the future "we can not avoid meeting great issues," we can but "determine for ourselves . . . whether we shall meet them well or ill."<sup>96</sup> While both Roosevelt and Wilson view the future as progressive, Roosevelt still sees the premier virtue of the statesman to be some form of prudence, while Wilson understands the statesman to be capable of divining the future and shaping the national consciousness to meet that future to the extent that it is ready.<sup>97</sup> For Wilson, the task of the leader "was to prepare the people for the future, to act as interpreters and spokesmen for the spirit of the age; and, of course, to actually lead the way."<sup>98</sup> Roosevelt's statesman also leads the way, not solely by divining the spirit of the age, but also in an almost Machiavellian fashion by stiffening the resolve and sharpening the courage of the people to make them fit to enter the future as a great people - to enter the future gloriously rather than as mere survivors. Roosevelt's statesman observes the trend of progress in the world, but also understands the continued power of fortune to upset the plans of a weak and unprepared nation.

### **The Public Attributes of Statesmanship**

The four public attributes of statesmanship which I have identified in Roosevelt's thought will be considered together, for they are interrelated in many ways. As a popular leader the statesman is also an educator and rhetorician, while as an administrator he leads, persuades, and educates the bureaucratic officials under his authority. In each of

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<sup>96</sup> "The Strenuous Life," *Works*, XIII: 322.

<sup>97</sup> Kesler, "Woodrow Wilson," 120.

<sup>98</sup> Kesler, "Separation of Powers and the Administrative State," 33.

these roles the statesman is guided by the attributes of his character discussed above. We can also see that there is the same bifurcation between politics and administration that is found in the thought of Woodrow Wilson.<sup>99</sup> Honest administration is seen to require a separation from politics and the influence of pressure groups or political machines that seem to be the defining characteristics of the realm of politics in the progressive world-view.<sup>100</sup> But this separation also sets the stage for the statesman to pursue a more popular agenda apart from the concerns of governing.

The role of the statesman as educator is accomplished, according to Roosevelt, through both word and deed.<sup>101</sup> The best statesmen in America, and indeed in the world, have provided an education in the virtues necessary to self-government by their example as well as through their rhetoric. This type of statesmanship does not require formal education, but it is aided by the discipline that formal education provides. As Roosevelt points out

the very most successful men we have ever had, men like Lincoln, had no chance to go to college, but did have such indomitable tenacity and such keen appreciation of the value of wisdom that they set to work and learned for themselves far more than they could have been taught in any academy.<sup>102</sup>

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<sup>99</sup> Woodrow Wilson, *Constitutional Government in the United States*, 75-77, 79-81. John A. Rohr, *To Run A Constitution: The Legitimacy of the Administrative State* (Lawrence, KS: University Press of Kansas, 1986), 65-69. Paul Eidelberg, *A Discourse on Statesmanship: The Design and Transformation of the American Polity* (Urbana: University of Illinois Press, 1974), 296-300.

<sup>100</sup> Thomas Hart Benton, *Works*, VII: 48. "The Merit System Versus the Patronage System," *Works*, XIV: 99-103.

<sup>101</sup> "American Ideals," *Works*, XIII: 4.

<sup>102</sup> "Character and Success," *Works*, XIII: 382.

Nevertheless, these men "showed by their lives" the importance of duty, "the law of work," and "the law of strife."<sup>103</sup> That is, they educated the people by their example. "The man who tries to wake his fellows to higher political action," goes beyond exemplifying virtue "to appeal to citizens to work for good government . . . because it is right in itself to do so."<sup>104</sup> The statesman preaches the virtues to his fellow citizens in order to encourage the development of those virtues necessary to sound self-government and national greatness. According to Roosevelt,

much can be done by wise legislation and by resolute enforcement of the law. But still more must be done by steady training of the individual citizen, in conscience and character, until he grows to abhor corruption and greed and tyranny and brutality and to prize justice and fair dealing.<sup>105</sup>

The statesman must shoulder the burden for this training or be left with the limited utility of relying upon law alone. Even wisely crafted law is insufficient to every occasion which may arise under its application, and thus something further is necessary to supplement the law if justice is to result from law. Only wisdom applied to the individual case which is not amenable to resolution by law alone, as Aristotle pointed out, can resolve the difficulty.<sup>106</sup> This must be the special province of the statesman. As Roosevelt argues,

The best constitution that the wit of man has ever devised, the best institutions that the ablest statesmen in the world have ever reduced to practice by law or by custom,

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<sup>103</sup> "The Strenuous Life," Works, XIII: 323.

<sup>104</sup> "The Manly Virtues and Practical Politics," Works, XIII: 34.

<sup>105</sup> Presidential Addresses and State Papers, V: 840. Speech delivered at Harrisburg, PA., October 4, 1906.

<sup>106</sup> Aristotle, The Politics, Lord Translation, 1282a41.

all these shall be of no avail if they are not vivified by the spirit which makes a State great by making its citizens honest, just, and brave.<sup>107</sup>

What, or who, is it that invokes this spirit? It can be none other than the statesman who understands the character of the people and their peculiar traits.

Roosevelt demonstrates his point in a speech delivered at the University of Pennsylvania on February 22, 1905, George Washington's birthday. "The Ideals of Washington" is the title of the speech, and the lessons Washington attempted to teach to his fellow-citizens is its subject. In particular, Washington attempted to pass on some of his accumulated wisdom to the American people in his Farewell Address in which "he laid down certain principles which he believed should guide the citizens of this Republic for all time to come, his own words being 'which appear to me all-important to the permanency of your felicity as a people.'"<sup>108</sup> The strength of Washington's advice lies in the fact that he was a "man who to strength and courage adds a realizing sense of the moral obligation resting upon him, the man who has not only the desire but the power to do his full duty by his neighbor and by the State."<sup>109</sup> As such a statesman his maxims

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<sup>107</sup> "God Save the State," *Works*, XIII: 551.

<sup>108</sup> "The Ideals of Washington," *Works*, XIII: 500. The full sentence from which Roosevelt excerpts reads as follows: "But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments; which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a People." W. B. Allen, ed. *George Washington: A Collection* (Indianapolis: Liberty Classics, 1988), 514. Of note, a few paragraphs later Washington addresses one of those sentiments which might appear particularly relevant to progressives like Theodore Roosevelt. "Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown" (519). This is one of "The Ideals of Washington" that does not make its way into Roosevelt's speech.

<sup>109</sup> "The Ideals of Washington," *Works*, XIII: 501.

deserve respect and honor, as well as to be observed by the American people.<sup>110</sup>

Throughout the speech, Roosevelt refers to "the teachings of Washington," "the principles which Washington laid down for the guidance of his countrymen," American governors "teaching [Filipinos and Cubans] how to govern themselves," the debt owed by the college educated man to be paid "by the way he bears himself throughout life," and the college graduate's capacity to "take the lead in striving to guide his fellows aright in the difficult task which is set to us of the twentieth century."<sup>111</sup> Washington was considered by Roosevelt to be one of the finest statesmen ever to grace the face of the earth, and through the honor Roosevelt bestows upon Washington in this speech we learn much about Roosevelt's own valuation of the educative function of the statesman.

Roosevelt has been credited with the invention of the term "bully pulpit" to describe the presidency, which has been explained to mean "a place from which one could influence more minds at one time than from any other lectern."<sup>112</sup> Despite the fact that there is some doubt as to the credit Roosevelt deserves for inventing the phrase,<sup>113</sup> it

<sup>110</sup> The maxims of Washington which Roosevelt passed along in this speech are as follows: "Observe good faith and justice toward all nations;" "To be prepared for war is the most effective means to promote peace;" "Give to mankind the example of a people always guided by an exalted justice and benevolence;" "Cherish public credit;" and "Promote, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened."

<sup>111</sup> "The Ideals of Washington," 502, 503, 504, 505.

<sup>112</sup> Peggy Noonan, quoted by William Ker Muir, Jr. in *The Bully Pulpit* (San Francisco: ICS Press, 1992), 44.

<sup>113</sup> "Puzzlingly, I could not discover whether Roosevelt ever really spoke or wrote the term. No biographer appeared to make specific reference to 'the bully pulpit.' Moreover, the phrase is missing altogether from the *Theodore Roosevelt Cyclopedia*, ed. Albert Bushnell Hart and Herbert Ronald Ferleger (New York: Roosevelt Memorial Association, 1941), a comprehensive cataloguing of Roosevelt's views and coinages." Muir, 227 n. 4. George Haven Putnam attributes the saying to Roosevelt in a citation in his introduction to volume nine of *The Works* entitled "Roosevelt, Historian and Statesman." Putnam writes: "I remember one such reference that he made during his first presidential term to the advantages of speaking

does eloquently capture the image of Roosevelt the orator, as well as his view of one of the responsibilities of statesmanship. As he argues, the educated man has no claim to any special respect or position in American society beyond what he can earn by demonstrating a capacity to perform in a manner that is deserving of that respect or position.<sup>114</sup> Only by persuading and convincing the people of his capacity and trustworthiness can the statesman begin to teach his fellow citizens. Even then, his teaching must also be persuasive to a liberty-loving and independent-minded people used to acting on their own to solve their own problems. The statesman must have high ideals,

but the possession or preaching of these high ideals may not only be useless, but a source of positive harm, if unaccompanied by practical good sense, if they do not lead to the effort to get the best possible when the perfect best is not attainable - and in this life the perfect best rarely is attainable.<sup>115</sup>

The rhetoric of the statesman must not only be persuasive to the audience, but it must also be prudent. Rarely does the situation present itself when governing "according to any abstract theory or set of ideal principles"<sup>116</sup> presents itself as a prudent option to the statesman, according to Roosevelt. Most often, he says,

it is not possible to lay down an inflexible rule as to when compromise is right and when wrong; when it is a sign of the highest statesmanship to temporize, and when it is merely a proof of weakness. Now and then one can stand uncompromisingly for a naked principle and force people up to it. This is always the attractive course; but in certain crises it may be a very wrong course. Compromise, in the proper sense,

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from the White House. I had accused him (as had been done by others) of a tendency to preaching. 'Yes, Haven,' he rejoined, 'most of us enjoy preaching, and I've got such a bully pulpit!'" Putnam, Works, IX: ix-x.

<sup>114</sup> "The College Graduate and Public Life," Works, XIII: 36, 37, 38. "The Ideals of Washington," Ibid., 505.

<sup>115</sup> "The Best and the Good," Works, XIII: 392.

<sup>116</sup> Gouverneur Morris, Works, VII: 321.

merely means agreement; in the proper sense opportunism should merely mean doing the best possible with actual conditions as they exist.<sup>117</sup>

Thus the statesman must know not only when to compromise, but how to explain and justify the need for compromise in any given circumstance.<sup>118</sup>

Roosevelt demonstrates the necessity for the statesman to be persuasive in arguing issues of national policy by referring to the Monroe Doctrine. He says that were the doctrine not in force, "it would now be necessary for statesmen who were both far-sighted and patriotic to enunciate the principles for which the Monroe Doctrine stands," for "it is a question to be considered not only by statesmen, but by all good citizens."<sup>119</sup> Had Monroe not articulated the doctrine, some other American statesman would have had to do so, based upon national interest. It would have been necessary to do so because "we do not wish to bring ourselves to a position where we shall have to emulate the European system of enormous armies,"<sup>120</sup> but the connection between the Monroe Doctrine and the elimination of the need for large armies is an argument that must be made because many may not grasp the issues involved without considerable reflection or assistance. So, even before the announcement of the Monroe Doctrine, American statesmen had made it a practice to uphold the national interest in a hemisphere free from increased European involvement. Thus, in the event of the impending transfer of the Louisiana territory from Spain to France, "our statesmen at once announced that they

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<sup>117</sup> "Latitude and Longitude Among Reformers," works, XIII: 343.

<sup>118</sup> Works, XIII: 61, 342, 393. Wining of the West, Works, IX: 210. Letters, I: 491.

<sup>119</sup> "The Monroe Doctrine," Works, XIII: 168, 169.

<sup>120</sup> Ibid., 172.

would regard as hostile to America the transfer of the territory in question from a weak to a strong European power."<sup>121</sup> For Roosevelt, even an issue of foreign policy like the Monroe Doctrine was considered to be a matter of public concern and therefore the statesman must inform and persuade the public as well as diplomats and government officials of the prudence of a course of action. Roosevelt's democratic view of the regime dictates such a deference to the people at large.

This same democratic view of the character of the Republic informed Roosevelt's conception of the statesman as popular leader. His charge to the college graduate is to go into politics under the full realization "that he is living in a democracy and under democratic conditions, and that he is entitled to no more respect and consideration than he can win by actual performance."<sup>122</sup> Politics is, however, a competitive engagement in which even the educated man must prove his worth, and his worthiness to lead, through rough-and-tumble interchange with political opponents. The martial element of Roosevelt's thought comes out here as well, in viewing politics as a competition requiring considerable courage. Only with a foundation of the necessary courage can the educated man hope to attain a position of leadership in which he has the opportunity to add a theoretical understanding to the fundamental practical considerations that govern everyday politics. People, upon seeing the courage demonstrated, will then develop confidence in the theoretical improvements that an educated background can bring to

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<sup>121</sup> Ibid., 171.

<sup>122</sup> "The College Graduate and Public Life," Works, XIII: 38.



political activities. The educated man brings an advantage to the political arena, but the fact remains, according to Roosevelt, that

a very large number of people, on the other hand, may do excellent work in politics without much theoretic knowledge of the subject; but without this knowledge they can not rise to the highest rank, while in any rank their capacity to do good work will be immensely increased if they have such knowledge.<sup>123</sup>

It is the educated man who can rise to the top rank of statesmanship, but to do so he must first demonstrate the capacity to lead a democratic people. If he passes the test, he may bring into convergence the paths of practical and theoretical politics which is one of the particular gifts of the true statesman.

The president in particular is to embody this ideal of popular leadership. He is, according to Roosevelt, to "feel that when he held that office he held it in the most emphatic sense as the representative of the people."<sup>124</sup> In addition, Roosevelt was to assert that "no man is fit to hold the position of President of the United States at all unless as President he feels that he represents no party but the people as a whole."<sup>125</sup> This is reminiscent of the Jeffersonian assertion that the presidency was an office that would "command a view of the whole ground,"<sup>126</sup> and the Jacksonian notion of the president as the tribune, or direct representative of the people.<sup>127</sup> But Roosevelt did not apparently feel the same sense of devotion to constitutional propriety as did those two

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<sup>123</sup> Ibid., 44.

<sup>124</sup> Presidential Addresses and State Papers, IV: 366.

<sup>125</sup> Ibid., III: 320.

<sup>126</sup> Jefferson, Writings, 495.

<sup>127</sup> Milkis and Nelson, 118-120.

presidents. The position of leader, statesman, or president derives its authority from the people rather than from the Constitution. In Roosevelt's view,

no one leader, no set of leaders, can make the Government. It will be made by the average citizen, and whether it stands high or low will and must depend upon the character of the average citizenship. Only this average citizen can make or unmake it. The right type of leader can guide and help him - in short, can lead him; but he must himself be trusted to see to it that his leadership is right, and if he has not the right stuff in him, then no leadership will avail him or any of us.<sup>128</sup>

Much more depends upon the people. The constitutional provisions for the support of, as well as limitation of, government leaders are nugatory at best in Roosevelt's theory, for the people must be free to choose either good or bad government and live with the result without the moderating influence of government institutional division.

Roosevelt made his own bid for leadership based on his view of the presidency in his first annual message to Congress in December, 1901. Under the cover of a paean to William McKinley, the recently assassinated President, Roosevelt describes the presidential character: Loved by the people, reservoir of "a standard of lofty integrity," possessed of "tender affections and home virtues," and shaper of national character. The president's first responsibility is "the welfare of others" which he is uniquely positioned to understand since he occupies "that political office for which the entire people vote," which endeavors "to give expression to their [the people's] thought," which endeavors "to guide that thought aright," and is "the embodiment of the popular will of the Nation." Here, in a piece of official public rhetoric, we see the development of Roosevelt's conception of the presidency as the people's representative, with responsibility primarily

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<sup>128</sup> Presidential Addresses and State Papers, III: 348.

for the people's welfare. The intimate connection to the people and their welfare which Roosevelt establishes rhetorically here at the beginning of his own presidency is foreign to the second article of the Constitution which details executive powers and duties. Indeed, if anything, it encroaches upon the congressional responsibility to "provide for the common Defence and general Welfare of the United States" contained in Section 8 of Article I of the Constitution. Roosevelt early on lays the foundation for a repeated reference to welfare throughout the address to justify the expansion of national government activity which would be a continual theme of his presidency.<sup>129</sup>

Great statesmen such as Washington and Lincoln also work to influence the "growth of our national character," but they are great and their influence so important because they are able to lead the nation and shape its character in a direction "antagonistic to the worst tendency of the age."<sup>130</sup> The statesman "must have high ideals," according to Roosevelt, "and the leader of public opinion in the pulpit, in the press, on the platform, or on the stump must preach high ideals." But this is not enough, for "the possession or preaching of these high ideals may not only be useless, but a source of positive harm, if unaccompanied by practical good sense."<sup>131</sup> Statesmen, though, do not always buck the trend. Roosevelt heartily applauded the statesmanship of Thomas Hart Benton who was a "typical representative of the statesmanship of the Middle West," and who succeeded largely because he was accepted by the people of that

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<sup>129</sup> "First Annual Message," *Works*, XV: 81-84.

<sup>130</sup> "American Ideals," *Works*, XIII: 12.

<sup>131</sup> "The Best and the Good," *Works*, XIII: 392.

area and was felt to be “the most able expounder of their views.”<sup>132</sup> Because the people themselves are to a great extent to determine the character of the government, lesser statesmen like Benton, or great statesmen in non-critical times may be called upon to “formulate and express, rather than shape, the thought of the people who stand behind them and whom they represent.”<sup>133</sup> When the opinions of the people are sound, there is no reason for the statesman to do aught but put them in more presentable form for the purposes of argumentation or persuasion. The decision to be made when this is the case, however, appears to be left to the statesman himself in Roosevelt’s formulation. Without guidance and control provided by some outside standard such as the Constitution the rhetoric of the statesman may approach demagoguery, one of the weaknesses of democratic government. We must recall Publius’s warning that in ancient republics “a single orator, or an artful statesman, was generally seen to rule with as complete a sway as if a scepter had been placed in his single hand.”<sup>134</sup>

The final public attribute of the statesman found its expression in administration. In the role of statesman as administrator, the presidency in the American system stands at the pinnacle of opportunity for the aspiring statesman. In Roosevelt’s theory good administration is closely tied to virtue, for the administrator must be honest in his service to the State, which is his duty. Clean, honest, efficient government was a long-standing goal of Roosevelt. Writing on the presidency, Roosevelt noted “it is easy enough to give a

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<sup>132</sup> Thomas Hart Benton, Works, VII: 10, 24.

<sup>133</sup> *Ibid.*, 11.

<sup>134</sup> The Federalist No. 58, 360.

bad administration; but to give a good administration demands the most anxious thought, the most wearing endeavor, no less than very unusual powers of mind.”<sup>135</sup> Because “there is upon him always a heavy burden of responsibility,” the situation arises in which “it is absolutely inevitable that the President should rely upon the judgment of others,” and under such conditions “some errors will be committed.”<sup>136</sup> There is an “immense Federal service . . . under the President,” but it is not necessarily immediately responsible to the president, for “his direct power lies over the heads of the departments, bureaus, and more important offices.”<sup>137</sup> Despite these burdens under which an administration labors, Roosevelt argues, “corruption . . . has been absolutely unknown among our Presidents, and it has been exceedingly rare in our Presidents’ Cabinets.” A greater problem has been inefficiency which “has been far less uncommon.”<sup>138</sup>

Because of some of the inconveniences outlined above, and the corruptive influence of the spoils system inaugurated during the Jackson administration, Roosevelt was a lifelong proponent of civil service reform. He served for six years, from 1888 through 1894 as Civil Service Commissioner under the Republican administration of President Benjamin Harrison as well as the second Democratic administration of President Grover Cleveland. With a sure faith in the power of the government to do good, Roosevelt pursued increases in government responsibility combined with his emphasis

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<sup>135</sup> “The Presidency,” *Works*, XIII: 309.

<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*, 307.

<sup>138</sup> *Ibid.*, 310.

upon clean administration of those responsibilities. In "The Strenuous Life" Roosevelt wrote

of course we are bound to handle the affairs of our own household well. We must see that there is civic honesty, civic cleanliness, civic good sense in our home administration of city, State, and nation. We must strive for honesty in office, for honesty toward the creditors of the nation and of the individual; for the widest freedom of initiative where possible, and for the wisest control of individual initiative where it is hostile to the welfare of the many.<sup>139</sup>

He elsewhere notes that "honesty is not so much a credit as a prerequisite to efficient service to the public."<sup>140</sup> This honesty, in keeping with his own republican character, must begin with the citizens themselves. Only upon this foundation can good administration be built. Just as constitutions are unreliable in Roosevelt's theory, laws and administrations are unreliable unless backed up by the firm, courageous character of the people themselves. Roosevelt beseeches his "fellow countrymen" to remember that

bad laws are evil things, good laws are necessary; and a clean, fearless, common-sense administration of the laws is even more necessary; but what we need most of all is to look to our own selves to see that our own consciences as individuals, that our collective national conscience, may respond instantly to every appeal for high action, for lofty and generous endeavor. There must and shall be no falling off in the national traits of hardihood and manliness; and we must keep ever bright the love of justice, the spirit of strong brotherly friendship for one's fellows, which we hope and believe will hereafter stand as typical of the men who make up this, the mightiest republic upon which the sun has ever shone.<sup>141</sup>

Roosevelt reminds us that the role of statesman as administrator is intimately tied to the role of statesman as personal example, educator, rhetorical persuader, and leader, just as

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<sup>139</sup> Works, XIII: 328.

<sup>140</sup> "The Eighth and Ninth Commandments in Politics," Works, XIII: 387.

<sup>141</sup> "The Two Americas," Works, XIII: 449.

in a democracy honesty in the body politic is intimately tied to honesty in the administration of government.

### Conclusion

Theodore Roosevelt does not limit the practice of statesmanship to the president, although the presidency is the natural home of true statesmanship in American government. We have seen that he considered Speaker of the House Thomas Reed to have acted in a statesmanlike manner in bringing order and control to the Fifty-First Congress. In addition, we have seen Roosevelt refer to statesmanship as being at least associated with the pulpit, the press, the platform, and the stump. But by the examples he chooses we know that the highest order of statesmanship is exhibited through the exercise of executive power, and that the best statesmen, in his estimation, have been presidents of the United States. We know also, by his own admission, that as much as he despised Jefferson and admired Hamilton, he considered Jefferson to be the more useful statesman because he was a politician, and a democratic one at that. Roosevelt considered it probable that "only in very exceptional circumstances that a statesman can be efficient, can be of use to the country, unless he is also (not as a substitute, but in addition) a politician."<sup>142</sup> The politician makes a superior statesman, and it is reasonable to presume by Roosevelt's examples as well as his words that the President of the United States has the greatest potential for statesmanship of all politicians because of the use that can be made of the office by a suitably powerful personality.

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<sup>142</sup> Letters, V: 351.

It remains to determine whether, as David Burton asserted, Theodore Roosevelt is an exception to the rule of statesmanship because his judgments did not alter with the times and conditions as much as might be expected.<sup>143</sup> As we have seen, nothing in the popular understanding of statesmanship requires such alterations in judgment, and much of Roosevelt's rhetoric and practice is covered by the popular understanding of statesman as skillful manipulator of governmental processes. As we look beyond the popular understanding, though, if prudence is considered to be the characteristic virtue of statesmanship, as Aristotle seems to indicate that it is, then the possibility of such alterations in judgment appears more likely. Still, it appears clear that the character of the changes in conditions would determine how the judgments might be altered. On some things, such as matters of principle, no alteration in judgment would be tolerated by the sound statesman. Viewed in this light, as ambiguous as it may seem, Roosevelt does not seem to be unusual in his own statesmanship, or in his articulation of the principles of statesmanship. He recognized the need to compromise on many political questions, but he also maintained a dedication to stand firm on some questions of principle upon which it would have been wrong to seek compromise.<sup>144</sup>

Roosevelt does, however, fall short of the mark of true statesmanship as the term is applied by Aristotle and Cicero in the examples we have seen. Aristotle, recall, discussed the statesman as a special kind of lawgiver, the one who would rule in the regime he himself founded. His particular art was likened to a gymnastic coach who

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<sup>143</sup> Burton, "Theodore Roosevelt's Social Darwinism," 105.

<sup>144</sup> See Works, XIII: 331, 343, 393; IX: 210; VII: 343.



could determine the proper regimen for any aspiring gymnast, regardless of the level of their skill or potential. The art is predicated upon the existence of a best possible regimen which would have the capacity to train a champion. The art of statesmanship is predicated upon knowledge of the best regime. Roosevelt's philosophy does not, however, recognize the possibility of a best regime, for politics is in a constant state of broad progress toward higher civilization. Thus, Roosevelt's statesman can never rule in a truly just regime, but can only aspire to approximate, or even fulfill, momentary conceptions of justice bound by the time and conditions of their formulation.

In another sense, though, Roosevelt does fit the Aristotelian conception of statesman. He is one who seeks to rule in a regime which he himself founds or improves. In Roosevelt's case, his founding is the reformation of an existing Constitution, for he does not throw out the old Constitution, but re-interprets it to conform to his own notions of democratic justice. Roosevelt's importation of progressive science and political thought into American constitutional practice represents a re-interpretation, or re-founding if you will, of significant proportions. That he was not successful in institutionalizing these changes does not detract from his success in laying the foundation upon which others would build, both theoretically and practically, as the first American statesman to hold high enough office to lend automatic respect to the changes he sought to make.

In one further aspect does Roosevelt fall short of the classical standard of statesmanship. In both Aristotle and Cicero the art of statesmanship is to aim at the highest type of constitution that a particular society can support, and modifications to the

constitution are to be made by the statesman in the direction of a better constitution. Roosevelt, however, aims toward an arguably inferior constitution for the American people when he urges a return to more purely democratic, majoritarian republicanism. His faith in the progressive capacity of human nature and in the capacity of modern science to bend nature to the service of mankind seems to be the primary ground of his democratic politics. It is ironic, however, that in one so enamored of the improvements of modern science, the modern improvements in the science of politics would take no hold. Roosevelt's faith in man and his faith in statesmanship does not extend to a faith in man's capacity to create institutional solutions which may at least moderate the problems inherent in politics.

Roosevelt criticizes Gouverneur Morris, in his biography of that early American statesman, for being too negative in his assessment of human nature. According to Roosevelt, Morris's speeches in the Constitutional Convention of 1787

show us, too, why he never rose to the first rank of statesmen. His keen, masterful mind, his far-sightedness, and the force and subtlety of his reasoning were all marred by his incurable cynicism and deep-rooted distrust of mankind. He throughout appears as *advocatus diaboli*; he puts the lowest interpretation upon every act, and frankly avows his disbelief in all generous and unselfish motives.<sup>145</sup>

One might criticize Roosevelt in similar fashion for being too optimistic regarding human nature. Roosevelt's own emphasis upon the need for virtue in order to maintain self-government seems to recognize the intransigent capacity in the character of mankind. Yet his rejection of means other than the active shaping of personal character through a personal statesmanship which takes advantage of the natural processes of

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<sup>145</sup> Gouverneur Morris, Works, VII: 328.

civilization seems to undercut his implied recognition of mans' capacity for intransigence.

This optimistic, progressive view of human nature shapes the practice of statesmanship just as it shapes the goals of government. Roosevelt asserts that we have progressed beyond the great political questions of liberty and equality and have instead entered a new age in which the great questions will be about social and industrial equality. This shift in emphasis from the great political tasks to social goals shapes the aims of his statesmanship, and changes the character of the government and its offices. In modern terminology, Roosevelt as President worked steadily to increase the police powers of the national government which were powers typically reserved to the states, and encompassed the subjects of crime, health, welfare, and morals. Though he himself may not have neglected the higher responsibilities of the high office of the presidency while also taking on these new tasks, the same may not be said with the same degree of confidence for those that followed in his footsteps. Roosevelt displayed many of the finest attributes of true statesmanship, while falling tragically short in other areas. Despite his own qualities, however, by working to sever the country from its anchor in constitutionalism and natural rights he laid the foundation for others of lesser moral and political stature to diverge ever further from the foundations of the country in principle and tradition.

## Chapter Six

### The Modern Presidency: Theodore Roosevelt's Legacy

After reading the early works of Theodore Roosevelt, the open-minded reader cannot help but be struck by the breadth and depth of the theoretical influences upon Roosevelt which he absorbed and made his own, melding them into a peculiarly Rooseveltian formulation. Far from being the mere power-monger of John Morton Blum's The Republican Roosevelt, or Elting Morison's rootless political practitioner,<sup>1</sup> Roosevelt reveals himself to be a political thinker of significant stature. What seems to elude most scholars is the rhetorical emphasis of much of Roosevelt's writings and speeches.<sup>2</sup> Roosevelt did not write for a sophisticated academic audience, though his teaching applied to such an audience even more than to the average citizen. Roosevelt's rhetorical and political purpose was subtler than that, and herein may lie the rub, for he was engaged in a project to teach the American people how to think about themselves, and how to act politically as responsible citizens based upon that knowledge.

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<sup>1</sup> See Letters, V: xiii-xxiv. Morison remarks of Roosevelt, "these attitudes, shorn as they are of any general philosophic interpretation of the meaning of life, present an operational approach to existence" (xv-xvi). He says of Roosevelt's position on strong executive power as a means of good administration that "considered as a political philosophy . . . It has no decent intellectual underpinning; in vain one scrutinizes the scheme to find a logically constructed system of ideas" (xvii). Such statements are stunning coming from the editor of the Letters. More than anything, Morison's comments call his own skill and capacity as a scholar into question, for nowhere is Roosevelt more open and unguarded in expressing his ideas than in his letters.

<sup>2</sup> Jeffrey Tulis, The Rhetorical Presidency, and James Ceaser, Presidential Selection at least treat Roosevelt's rhetoric with the seriousness it deserves even though neither of them undertakes a serious evaluation of Roosevelt's early work. Patrick Garrity, "Young Men in a Hurry," treats Roosevelt's early writings with respect and captures some of the importance of his rhetorical project regarding his advocacy of nationalism as a unifying and edifying force in American politics.

The fact that Roosevelt is not a political scientist in the mold of Woodrow Wilson does not necessarily indicate any deficiency in the political thought of Roosevelt. Wilson did write for a scholarly audience, and did conform more closely to the reigning scholarly orthodoxies of the day in the presentation of his work. Is there, then, no middle ground between the purportedly scientifically sound writings of Wilson and the supposedly eclectic and ungrounded picture of Roosevelt's political thought that Morison paints? The political scientist Larry Arnhart, in an analysis of Aristotle's Rhetoric, has proposed that political rhetoric, if taken seriously, may provide just such a middle ground. He argues that

"the rationality of rhetoric becomes especially dubious if scientific demonstration is taken to be the sole model of valid reasoning; for it is obvious that rhetorical argument cannot attain the exactness and certainty of scientific inquiry."<sup>3</sup>

Not all rational discourse, Arnhart goes on to point out, is strictly scientific in nature, conforming to the dictates of philosophic discourse. Indeed, one might today legitimately question the truly scientific credentials of Woodrow Wilson's work. Rhetoric might also be considered rational

if one could show that the realm of reason extends beyond the confines of scientific demonstration and, therefore, that rhetorical argument can be in some sense truly rational even though it lacks the certainty and exactness of scientific knowledge. In this way one would restore the meaning of rhetoric as rational discourse.<sup>4</sup>

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<sup>3</sup> Larry Arnhart, Aristotle on Political Reasoning: A Commentary on the "Rhetoric" (Dekalb: Northern Illinois University Press, 1981), 4.

<sup>4</sup> Ibid.

Arnhart, following the lead of Aristotle, argues in addition that "rhetoric is a genuine form of reasoning to be distinguished from sophistry, even though rhetorical reasoning is less exact and less certain than scientific demonstration."<sup>5</sup>

There does appear, then, to be a possible middle ground wherein Roosevelt's rhetoric may lie which does not rob it of all capacity for theoretical consistency. Reference here to The Federalist once again may be helpful. As we have already seen, Morton Gabriel White,<sup>6</sup> among others, has investigated the philosophical foundations of The Federalist, but found the effort difficult because The Federalist is not primarily a work of philosophy. Because the authors of The Federalist were engaged in a political effort to persuade the voters of New York to ratify the new Constitution, they did not include in that work a systematic discussion of the philosophical foundations upon which it was based. Yet this does not as a result make it merely a work of sophistry or propaganda, for as White points out, it is built upon solid philosophical foundations that are obscured by the nature of the project. In similar fashion, Roosevelt's works are aimed primarily at a more general public audience than at an exclusively academic or scholarly audience, and serve a distinctively practical political purpose. This does not mean that there are not solid philosophical or theoretical foundations for this work, but rather means that they are obscured rather than made clear for rhetorical purposes. Blum and Morison, as well as the majority of writers who approach Roosevelt as a subject, seem to accept the notion that a rhetorical message is a theoretically groundless message. They do

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<sup>5</sup> Ibid., 12.

<sup>6</sup> Morton Gabriel White, Philosophy, The Federalist, and the Constitution (New York: Oxford University Press, 1987). See pages 1-2 of Chapter One for the previous reference to White.

this from a position of intimate familiarity with Roosevelt's works, despite considerable evidence in those very works to indicate the presence of a sophisticated theoretical mind at work.

The fact that the very possibility that Roosevelt had in mind a purpose for his rhetoric is obscured in most modern scholarship perhaps says more about the scholarship than it does about the depth of Roosevelt's political thought, or its significance. A scholar such as Jeffrey Tulis, who seeks to explain in some meaningful fashion what the rhetoric of American statesmen might signify in the constitutional order, must first justify why it might be desirable or important to even study rhetoric at all. He notes that

the rhetorical presidency may have been generally ignored as an object of concern not only because it has become so familiar and comfortably democratic, but also because it is hard to believe that mere rhetoric could be of consequence to the development of American political institutions.<sup>7</sup>

A deeper problem, however, is identified by Tulis in even proposing to study presidential rhetoric. A difficulty arises in that

one must be prepared to reverse the common assumption that ideas are "epiphenomenal," that is, mere reflections of important political developments, and to entertain the possibility that thought might constitute politics.<sup>8</sup>

The reigning dogmas of social science do not easily admit the relevance of such notions.<sup>9</sup> The idea that "mere rhetoric" could be an important topic of serious study offends the scientific pretensions of the social science community. Yet Tulis has a point, for rhetoric may be significant enough to the study of politics to warrant deeper study and

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<sup>7</sup> Tulis, The Rhetorical Presidency, 13.

<sup>8</sup> Ibid., 17.

<sup>9</sup> See Harvey C. Mansfield, Jr., America's Constitutional Soul, 148-162, especially 149-150.

consideration. By remaining open to the importance of political rhetoric, Tulis finds Theodore Roosevelt's rhetoric to be a significant influence in shaping public attitudes toward greater government intervention in railroad regulation, as well as politically useful in mobilizing popular opinion in order to apply pressure on members of Congress to support Roosevelt's policy goals.

I contend that Roosevelt's writings and speeches are the public expression of a theoretical understanding of American politics in which he aims to educate the American citizen body in order to ensure the survival of self-government in an age of industrial and social change. His purpose in pursuing a rhetorical strategy is education of the body politic in political duty and the moral virtues necessary to fulfill that duty, not an education in the philosophical truth of political propositions. As such, his theory is obscured because a deeper education is not suited to the audience, and not required by the political purpose. His theory is republican in its dedication to popular government and moral virtue, progressive in its understanding of human nature and political purpose, and requires statesmanship in order to lead and educate the people and government officials. It is the foundation for an understanding of constitutionalism as a slow accretion of customary law which is the institutional and positive product of the evolving, improving character of a hardy civilized people.

This theory is at odds with the limited constitutionalism of the American founding, and to the extent that this new constitution of the social organism supplants the old Constitution without eradicating the forms and formalities of the old, it establishes a system at war with itself. To the extent that it democratizes American politics and



positions moral virtue as the prime corrective to the ills of democracy, such as demagoguery and faction, it opens American politics to all the failings of previous experiments with purely majoritarian democratic politics. To the extent that the theory replaces an understanding of human nature based upon a prudent concern for man's capacity for intransigence in the face of reason with an understanding of human nature based upon an optimistic belief in the progressively improving character of man, it fails to provide for deficiencies of virtue in either the people or the officers of government. Roosevelt's theory of politics replaces the old understanding in each of these areas to a very great extent, and thus represents a fundamental reinterpretation of American political principles.

### **Roosevelt's Theory in Perspective**

Roosevelt's political thought may not aspire to the level of philosophic discourse, but it nonetheless reflects a fundamental shift in philosophic understanding when compared to the thought of the founding era. Yet, we do not find Roosevelt identified as a significant influence in this shift despite the fact that he sat in the presidential chair during the very period that many of the most significant political expressions of the new philosophy became embedded in American society through government action. Patrick J. Garrity, a scholar unusual for the credence he grants to Roosevelt's early writings, nonetheless concludes that

in the end, Roosevelt's domestic brand of progressivism lost out to an alternative form, the New Freedom. In foreign policy, Roosevelt's nationalism was supplanted by Wilsonian *internationalism*. This marked the ultimate defeat of Roosevelt's grand design. Despite Lodge's successful nationalist resistance to the League of Nations and the Versailles Treaty, America's ultimate rise to world power came about on

principles decisively different from those of the Republican visionaries of the 1890s.<sup>10</sup>

It is common, especially for political scientists, to see to Woodrow Wilson as the father of many of the changes that occurred in American politics during the Progressive Era,<sup>11</sup> and to see the election of 1912 as a repudiation of Rooseveltian progressivism. Yet a considerable portion of Wilson's progressive agenda followed in the footsteps of the 1912 Progressive Party platform. Particularly significant was Wilson's ultimate acceptance of Roosevelt's prescription for the regulation of monopoly rather than the outright elimination of all monopoly which he had previously favored.<sup>12</sup>

In 1916 the "Democratic platform boasted, the Wilson administration had enacted the most important planks of the 1912 Progressive platform, and the party had adopted 'the spirit of Progressive Democracy.'"<sup>13</sup> The guiding spirit of the Progressive Party in 1912 was Theodore Roosevelt, and so, to a great extent, he must also be considered the father of many of the Wilsonian reforms. But even more than this, the Theodore

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<sup>10</sup> Garrity, "Young Men in a Hurry," 232.

<sup>11</sup> A particularly striking and straightforward example of this belief can be found in Alfred H. Kelly, Winfred A. Harbison, and Herman Belz, The American Constitution: Its Origins and Development, Sixth Edition (New York: W.W. Norton & Company, Inc., 1983), 411, 412. The authors assert that "Woodrow Wilson, who had described the presidency as 'the vital link of connection with the thinking nation,' was even more significant than Roosevelt in strengthening the executive office." They further argue that "although Theodore Roosevelt has more often captured the historical imagination as the prototypical modern president, Wilson's ideas about executive administration were actually more influential in reorienting the constitutional system away from traditional conceptions of limited government. Wilson had a systematic understanding of a new theory of politics and administration in which the president would become a national leader."

<sup>12</sup> Howard Gillman, "The Constitution Besieged," 195. Alfred H. Kelly, Winfred A. Harbison, and Herman Belz, The American Constitution, 422-423.

<sup>13</sup> John Milton Cooper, Jr., The Warrior and the Priest: Woodrow Wilson and Theodore Roosevelt (Cambridge: The Belknap Press of Harvard University Press, 1983), 252-253. See also Harbaugh, The Life and Times of Theodore Roosevelt, 443-444, 467, 478.

Roosevelt of 1912 was the same man as the President Roosevelt of strike-intervening, labor legislation supporting, railroad regulating, wage and hour regulating, food and drug regulating, and meat inspecting fame. And this President Roosevelt was the same man as the famous public concession taxing Governor of New York, and the New York City alderman weakening, judicial corruption investigating, and tenement cigar manufacturing regulating New York Assemblyman. The long-term consistency in Theodore Roosevelt's political activity leads one toward the conclusion that there must be some theoretical foundation for this consistency. Not only is there ample evidence that Theodore Roosevelt was acting on the basis of a firm theoretical grasp of politics, but there are ample indications that he more than any other public man at the time may have been the motivating force behind many of the successful progressive so-called reforms. This leaves open the question of why he is ignored as a thoughtful force behind the progressive movement.

A renewed consideration of the theoretical foundations of Roosevelt's rhetorical and political leadership provides the basis for at least three issues important to a better understanding of Roosevelt and his place in American history. First, such a consideration demonstrates a considerable consistency between Roosevelt's early rhetoric and political activity and the activities of his later life. Roosevelt biographer David McCullough may have spoken more wisely than he knew when he wrote that his "book would end when I thought he was formed as a person, at whatever age that happened, when I felt I could say, when the reader could say, there he is."<sup>14</sup> The time McCullough selected was the

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<sup>14</sup> McCullough, Mornings on Horseback, 10.

end of 1886. In that year he wrote his Thomas Hart Benton, a biography that contained the germ of what would become his major literary work The Winning of the West, as well as one of the earliest formal expressions of his views on topics such as statesmanship, the nature of political progress, democracy, and efficiency in government. These themes, and his views on them remained remarkably consistent throughout his life. This is not to say there was no development, for one of the fundamental elements of his theoretical understanding was a belief in evolutionary progress, biologically, politically, socially, and even personally in some sense. Rather than seeing Roosevelt as a bifurcated man, an early and a late Roosevelt, it may be more reasonable to view him as a consistently developing progressive statesman who rarely exceeded the capacity of political conditions to absorb his outlook. That the Progressive campaign is one such example of exceeding what the conditions would bear may be the reason so many look to 1912 as a radical departure from the pattern of his earlier life.

The second issue that arises in a fresh consideration of Roosevelt's thought is the necessity to provide a corrective to the historiography of Roosevelt as well as to the period in which he lived. The prevailing progressive historical dogmas regarding Roosevelt simply do not stand up under investigation. From a post-New Deal perspective, or from the perspective of the radical progressives who wanted to see wholesale, immediate, and revolutionary change in American government, Roosevelt's moderately paced progressivism may seem conservative. But such a classification is as bold a political act as any Roosevelt himself may have taken during the height of his political power. The fact remains that Roosevelt represents a significant departure from what was

at the time traditional American political thought and practice. A proper evaluation of the significance of Roosevelt's presidency in particular remains unlikely until the fog of ideological historiography is penetrated and eventually burned away.

This leads to the third issue of significance identified by a fresh consideration of Roosevelt, which follows from the second. This is the issue of constitutional change and consent. Any evaluation of his significance must begin from an understanding of the principles which he may have displaced rather than from a retrospective evaluation based upon the successful imposition of progressive political principles. Roosevelt, then, must be considered in relation to the constitutionalism based upon natural rights which informed and governed the statesmanship of the founding and of Abraham Lincoln during the Civil War, the two major, defining political events of the first century of the Republic.

Roosevelt thought the country to be faced with a building crisis of proportions large enough to eventually threaten its continued existence. This crisis was one of class division based upon the unequal distribution of property brought on by the tremendous forces of industrial and urban development occurring as a result of the industrial revolution. Roosevelt's solution to the problem was to work toward eliminating the vast disparities in wealth by using the government to regulate the activities of the very wealthy in order to diminish the vastness of their wealth, and to also regulate the activities of what he called anarchic forces which were attempting to mobilize the propertyless masses around a message of revolutionary change.

The goal of Roosevelt's activities was to broaden the middle class by bringing some, if not many, of the rich down into the middle class, and by raising many of the poor into the middle class thereby defusing the appeal of radical elements. This is a solution to the problem of extreme class division almost as old as time. Roosevelt sought to do this through the machinery of government regulation by expert administrators. First, though, government had to be made efficient by reducing the emphasis upon rights associated with a constitutionalism based upon natural rights, and then by reducing the institutional impediments to broad interbranch cooperation thought to be imbedded in the constitutional doctrine of separation of powers. In proposing this solution, Roosevelt differed fundamentally from the founders, perhaps best represented by James Madison, who sought to find institutional means by which to ameliorate the factional tendencies of popular government without hindering the pursuit of the common good or infringing on rights in the process. Roosevelt's solution instead restores the vitality of such problems by pursuing a majoritarian process that defines the common good primarily in terms of majority will and provides no institutional safeguards from majority infringement of individual rights.

Without denying the existence, or even the severity, of the problem that Roosevelt perceived and toward the solution of which his theory was aimed, the historiography of the period and of his life obscures the significance of his political theory in several ways. We have grown accustomed to hearing the Constitution of the United States referred to as an historically bound document unable to reach beyond those bounds of time and condition to address problems of government in a more technologically advanced era.

Roosevelt consciously accepted this proposition and pursued a political agenda based upon it. Once we step outside the confines of this proposition to view the situation more as it would have appeared in Roosevelt's own time, we can see his significance in a different light. One significant change represented by Roosevelt, and common to many progressives of the era, was the shift away from limited constitutional government, preserved by and practiced through the institutional mechanisms of the separation of powers, legislative checks and balances, an independent judiciary, and representation.<sup>15</sup> The move away from these prudential inventions by politicians informed by progressive ideology signaled a fundamental change in the practice of American government, from limited constitutionalism toward unlimited majoritarianism. This does not indicate the death of free popular government, but it does remove those signal advantages of the American Constitution which distinguished it from previous republican constitutions. Roosevelt, in breaking from the past as a political thinker and politician, fostered the development of a situation in which the arguments for limited constitutionalism are no longer accepted as they once were by men such as Abraham Lincoln and Andrew Jackson (not to mention George Washington). These principles must once again be argued anew if limited government is to be restored along constitutional guidelines.

A second significant issue follows from the institution of a more majoritarian political process in place of the institutional processes of the Constitution. This has to do with the role of consent in a constitutional government. If, as Publius recognized, the Constitutional Convention of 1787 suffered from a "defect of regular authority,"<sup>16</sup> how

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<sup>15</sup> Nichols, *The Myth of the Modern Presidency*, 170.

<sup>16</sup> *The Federalist* No. 40, 251.

much more so does a shift away from the Constitution accomplished only through the means of a presidential election. Roosevelt, on the basis of his elevation to the presidency, and later election in his own right, began the reinterpretation of the American Constitution on the authority of, at best, a majority vote for president rather than through the more stringent procedures for amendment outlined in the Constitution itself. In this he was admittedly assisted at times by a compliant Congress, and a fawning public. Roosevelt is, in many ways, the embodiment of what the founders warned against in a popular leader. Because of his popularity, charisma, and political skill, he was able to accomplish many things that a lesser man would perhaps have been unable to accomplish, but some of his accomplishments had the effect of fundamentally altering the practice of American government without passing the scrutiny required by legitimate constitutional processes.

Another issue of significance that appears, and that rings very foreign to the modern ear, is the possibility that those constitutional doctrines so ingeniously circumvented by Roosevelt may after all be capable of making the transition to the modern technological world in order to yet facilitate good government. The example of constitutional propriety set by Abraham Lincoln in the direst possible circumstances indicates the potential for the survival of constitutional government.<sup>17</sup> We need to remember that the inventions of prudence included in the American Constitution were not included only for the preservation of liberty and rights, but also for efficiency and

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<sup>17</sup> See Herman Belz, "Abraham Lincoln and American Constitutionalism," The Review of Politics 50, no. 2 (Spring 1988): 169-197, for a defense of Lincoln's constitutional propriety.



good government.<sup>18</sup> The Constitution does provide a means for taking advantage of those “other qualities in human nature which justify a certain portion of esteem and confidence” while at the same time securing against “a degree of depravity in mankind which requires a certain degree of circumspection” because we all know it to be there.<sup>19</sup> Those same constitutional attributes would still persist no matter the character or condition of the age, and so could be useful in countering, as Roosevelt says, “the worst tendency of the age.”<sup>20</sup>

The great paradox, though, that results from such a reinterpretation of the Constitution rather than modification by amendment, which is much more difficult, is that reinterpretation tends to leave the forms in place and makes possible a recurrence to them should the opportunity arise without encountering the difficulty of amending anew.<sup>21</sup> This is not to argue in favor of frequent reinterpretive efforts, for Publius showed in The Federalist No. 49 the difficulties that result for veneration of the Constitution when too frequent recourse to the people is made. The very ease with which a reinterpretive effort was made in the first place militates against an equally easy return to constitutional propriety, and any such return would probably include the equally unlikely

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<sup>18</sup> This is substantially the argument of the latter half of The Federalist. See also W. B. Gwyn, The Meaning of the Separation of Powers, 32, 34, 127; Charles R. Kesler, “Separation of Powers and the Administrative State,” 25.

<sup>19</sup> The Federalist No. 55, 346.

<sup>20</sup> “American Ideals,” Works, XIII: 12.

<sup>21</sup> Jeffrey Tulis points this out, though in not so many words. He argues that George Bush did in some ways hark back to the traditional understanding, even though he did not provide any principled argument for a fundamental alternative to rhetorical leadership, which left the rhetorical method entrenched awaiting the next practitioner. “The Two Constitutional Presidencies,” in The Presidency and the Political System, 3d ed., ed. Michael Nelson (Washington, DC: CQ Press, 1990), 109-110.

situation of a powerful president using his own power to the utmost in order to take advantage of the rhetorical opportunities available in order to limit the exercise of federal government power within its constitutional boundaries.

### **The Theoretical Foundation of Stewardship**

The political scientist David Nichols, as already noted, argues that "Theodore Roosevelt does provide a succinct theoretical defense of unilateral presidential action in his 'stewardship theory,'" but he continues on to argue that "it was, however, Theodore Roosevelt's political practice even more than his political theories that helped to shape the modern Presidency."<sup>22</sup> Yet, had Nichols looked deeper into Roosevelt's earlier writings and speeches, he could have found solid evidence that not only Roosevelt's political practice, but the famous stewardship theory itself was grounded in theoretical principles articulated in a number of public forums over the course of two decades prior to his assuming the presidency. The "succinct theoretical defense of unilateral presidential action" that Nichols finds in the stewardship theory is a logical extension of the theoretical principles Roosevelt had been articulating for years.

When Roosevelt says the most important thing in his administration was an "insistence upon courage, honesty, and a genuine democracy of desire to serve the plain people" he captures and expresses the essence of his devotion to popular government and virtuous leadership as discussed earlier in chapter three.<sup>23</sup> Because the stewardship theory deals specifically with the presidency, there is less emphasis upon the inherited

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<sup>22</sup> Nichols, *The Myth of the Modern Presidency*, 20.

<sup>23</sup> *Autobiography*, XX: 347.

democratic character of the people and the virtue required of citizens.<sup>24</sup> There is, though, a good bit of discussion on the democratic responsibilities of the president and his subordinates, and on the need for them to be morally virtuous. Roosevelt routinely refers to the people as masters of their governmental officials, and the officials as subject to the people. He also considers this relationship to bind those officials to serve the people "actively and affirmatively."<sup>25</sup> For Roosevelt, the executive is responsive to the people, and the Constitution in some ways allows the means by which he can respond to the identified needs or desires of the people to be restricted. Roosevelt disregards Publius's argument regarding responsibility as establishing a constitutional distance between an office and the people, a distance which allows a president to act counter to an immediate popular trend or fashion. By closing rather than maintaining the constitutional distance between the president and the people, Roosevelt reduces the institutional structure and character established by the Constitution to parchment provisions which merely define an organizational structure. He also foreshadows modern organizational theorists who argue that there is no such thing as a common good when he reduces the differences in functional character between president and Congress to a question of the narrowness of the constituency each represents. The president represents the whole in Roosevelt's view, whereas Congress represents the whole only as an aggregate of all the various states and local districts.

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<sup>24</sup> A good deal of this element of Roosevelt's thought is included in an earlier chapter of the Autobiography entitled "Applied Idealism."

<sup>25</sup> *Ibid.*, 367, 352, 347, 455.

He also, despite numerous references to the whole people, moves in the direction of favoring a particular class of citizens over another in an effort to offset the power of an affluent and influential commercial class. In pursuing this design to establish a countervailing power to offset commercial interests, he reverts to a balancing scheme common to the mixed regime. This he does in the interest of what he calls "the average men and women of the United States and of their children."<sup>26</sup> In keeping with his democratic principles, Roosevelt opts, in principle, to represent the working classes in order to establish them as a countervailing force against the power and wealth of the few. He acts here in the manner of a responsive partisan leader rather than as a responsible national statesman who reserves the prerogative to on occasion uphold the interests of the few when their arguments are more sound and better for the long-term interest of the country as a whole. By identifying the presidency and the government so predominantly with the interests of one class, Roosevelt undermines the very character of the statesmanship he admired so much in Washington and Lincoln.

The Constitution, reduced to an architectural blueprint void of animating character because of the demand for efficiency, has its capacity weakened to act as a buffer between the people and the government at times when the majority may temporarily pursue an unwise course that is not ultimately in their interest. According to Roosevelt, there is no legitimate reason in America to fear majority tyranny. Thus, Roosevelt writes that "the Constitution should be treated as the greatest document ever

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<sup>26</sup> Ibid., 345. Roosevelt's fight against privilege bears a strong resemblance to the argument in Chapter IX of *The Prince* where Machiavelli argues that a prince should seek the support of the people rather than the great. Niccolo Machiavelli, *The Prince*, a New Translation, with an Introduction, by Harvey C. Mansfield, Jr. (Chicago: University of Chicago Press, 1985), 38-42.

devised by the wit of man to aid a people in exercising every power necessary for its own betterment.”<sup>27</sup> The Constitution does not, then, aid a people in protecting themselves from the intemperate and misguided use of power, in his formulation, but rather aids them in exercising every power they choose in the service of their desires, however intemperate or misguided they may become.

The protection the people have from intemperate or misguided policy is to be found in the republican prescription for moral virtue in the officeholders. Roosevelt himself claims to have “always finally acted as my conscience and common sense bade me act.”<sup>28</sup> Regarding the officials who were to work under him, he argued that “his course was to insist on absolute fitness, including honesty, as a prerequisite to every appointment.”<sup>29</sup> He argued also that a portion of “the Jackson-Lincoln view is that a President who is fit to do good work should be able to form his own judgment as to his subordinates.”<sup>30</sup> So a president must be fit to do good work, but what of the president who is not fit? Roosevelt answers this question, by avoiding it, in his essay on “The Presidency.” According to him “we have never had in the Presidential chair any man who did not sincerely desire to benefit the people and whose own personal ambitions were not entirely honorable.”<sup>31</sup> The solution, we see, lies in the character of the American people, for they have not, and presumably would not, elevate an unfit character to the

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<sup>27</sup> Ibid., 376.

<sup>28</sup> Ibid., 348.

<sup>29</sup> Ibid., 349.

<sup>30</sup> Ibid., 354.

<sup>31</sup> “The Presidency,” *Works*, XIII: 309-310.

“Presidential chair.” Once again we see how Roosevelt prefers the traditional republican reliance upon some form of moral virtue to solve the problems inherent in popular government rather than the solutions offered by the improvement in modern political science, those inventions of prudence which Publius relied upon so heavily to ameliorate the evils of pure democracy.

Equally evident in the various statements on the stewardship theory is the progressive side of Roosevelt’s political theory. The concepts of the State, welfare, efficiency, advance, and progress are featured strongly. In Roosevelt’s interpretation, these concepts were the pride of the Republican Party “which in the days of Lincoln was founded as the radical progressive party of the nation.”<sup>32</sup> Yet the political contests of the late-eighteen hundreds had obscured this legacy because the threat to order which was posed by the radical populism of the Democratic Party during these years served to entrench what Roosevelt considered the forces of reaction in the Republican Party. Roosevelt’s chosen method by which to overpower these “reactionaries” who controlled both houses of Congress was to appeal over their heads to the people directly. In this way he was able “to get results until almost the close of my term; and the Republican party became once more the progressive and indeed the fairly radical progressive party of the nation.”<sup>33</sup>

One of the goals of Roosevelt’s administration was “to make the Government the most effective instrument in advancing the interests of the people as a whole.”<sup>34</sup> In

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<sup>32</sup> *Autobiography*, XX: 341.

<sup>33</sup> *Ibid.*, 342.

<sup>34</sup> *Ibid.*, 345.

pursuing this goal, he said "he declined to adopt the view that what was imperatively necessary for the Nation could not be done by the President unless he could find some specific authorization to do it."<sup>35</sup> What, though, does he mean by Nation in this reference, for he typically does not capitalize the term when he uses it to denote the country. He does, however, provide some insight to his understanding of the term when capitalized in a discussion of the Supreme Court decision in the *E. C. Knight* case of 1895.<sup>36</sup> Here he remarks that "this decision left the National Government, that is, the people of the Nation, practically helpless to deal with the large combinations of modern business."<sup>37</sup> He identifies the Nation with the National Government or the people. This usage is remarkably similar to John Burgess's explanation of the State in which he describes the European tendency to see State and government as one in contrast to the American system wherein a sovereign State organizes a government through the tool of a constitution.<sup>38</sup> The fact remains that in either case the government is the effective symbol of sovereignty since the State itself is an abstract universal, in Burgess's words, rather than a tangible particular such as a government or an individual. For Roosevelt the government is the effective sovereign and has the right to "command the service of every one among its citizens in the precise position where the service rendered will be most valuable."<sup>39</sup>

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<sup>35</sup> Ibid., 347.

<sup>36</sup> *U.S. v. E. C. Knight Co.*, 156 U.S. 1 (1895).

<sup>37</sup> Ibid., 418.

<sup>38</sup> John Burgess, Political Science and Comparative Constitutional Law, 57.

<sup>39</sup> Autobiography, XX: 380.

Having settled the question of the locus of power, the issue remaining for Roosevelt is the efficient use of that power in the fulfillment of the goals toward which it is to be exercised. Roosevelt says he "did not care a rap for the mere form and show of power; I cared immensely for the use that could be made of the substance."<sup>40</sup> He emphatically saw the welfare of the people, in individual terms, as one of the primary goals of government. Further, this pursuit of welfare for those identified as in need of government assistance was not to be hindered by any caviling over rights of property. After all, such rights are the creation of the State in any event, and the State can change its priorities at any time in the pursuit of a higher level of civilization. Such changes are required, according to Roosevelt, by the changes in physical and social conditions brought on by the forces of progress. In a very real sense, it is "the President's duty . . . to act so that he himself and his subordinates shall be able to do efficient work for the people,"<sup>41</sup> for he is "the representative of all the people."<sup>42</sup> Since the new conditions are in some sense the product of improvements in science and technology, they must be met with new solutions because such industrial and scientific progress may also be matched by progress in the development of human nature toward greater degrees of civilization. Therefore a political organization suited to a more primitive social organism is insufficient to govern the new and improved social organism. Because the president is

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<sup>40</sup> Ibid., 348.

<sup>41</sup> Ibid., 355-356.

<sup>42</sup> Presidential Addresses and State Papers, IV: 366.



the “representative” with the broadest and most national view, and least limited by local demands, he has a special opportunity to pursue new solutions for the new age.

Having laid the foundation of his stewardship theory in the chapter on “The Presidency” in his Autobiography, Roosevelt devotes the five succeeding chapters to defending his policy initiatives in which his argument for statesmanship is revealed in his articulation and action. The subjects of these five chapters are conservation, business regulation, support for labor, foreign policy in the Americas, and foreign policy in the world at large. Roosevelt is not simply writing history here, but also making the argument in support of the policies he pursued as president. The usefulness of his Autobiography for history is limited by the fact that he omits a considerable amount of historical detail of considerable significance to his life.<sup>43</sup> The book, however, is a treasure of rhetorical argument and persuasion on the themes which infuse his writings and speeches from his earliest days as a public man. For example, the president not only acts independently to conserve public lands, against the will of Congress if necessary, in the interest of the “whole” people, but his administrative subordinates publish volumes of information for the education of the American people on conservation issues and themes.<sup>44</sup> The situation that Roosevelt perceived that he had to rectify was that “the relation of the conservation of natural resources to the problems of National welfare and National efficiency had not yet dawned on the public mind.”<sup>45</sup>

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<sup>43</sup> McCullough, Mornings on Horseback, 365-366.

<sup>44</sup> Autobiography, XX: 391-392.

<sup>45</sup> *Ibid.*, 386.

Not just the president, but the whole administrative apparatus must be brought to bear in the education and persuasion of the people on certain policy issues deemed to be of vital national interest. Jeffrey Tulis has famously documented Roosevelt's use of popular rhetoric to generate pressure on members of Congress in order to influence the congressional deliberations on the Hepburn Act, though he perhaps discounts the influence of Roosevelt's swings around the circle.<sup>46</sup> Administrative regulation, as represented by the Hepburn Act, had to be preceded by an establishment of the power of the national government to regulate business. The Supreme Court decision in the *E. C. Knight* case effectively precluded government action in a whole host of situations until Roosevelt succeeded in having the *Knight* precedent overturned by prosecuting the Northern Securities holding company, a very popular action. In each of these instances Roosevelt refers to his actions in terms of the stewardship theory.

Rhetoric, education, and leadership combine in some of Roosevelt's efforts to reshape the process of government in the United States. The idea of government regulation of business, of a very intrusive nature in many instances, rather than prosecution for infractions of established legal rules is a foreign concept to the American mind. The public must be educated in this proposed change if widespread regulation is to be implemented. Roosevelt sets about just this task.<sup>47</sup> In like manner, government sponsorship of a particular description of individuals, such as laborers, must not only be

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<sup>46</sup> Tulis, The Rhetorical Presidency, 97-110. A useful corrective to Tulis's overly generous perspective on Roosevelt's sense of propriety regarding the attempt to generate public pressure on Congress is provided by Joseph Bessette, The Mild Voice of Reason, 204.

<sup>47</sup> Autobiography, 415-425.

justified to a skeptical public mind, but the creation of such a group as conscious members of a class must be accomplished as well. Again, Roosevelt undertakes this task in promoting the consolidation of a general laboring class for the sake of his conception of the public interest, efficient government, and the welfare of the people.<sup>48</sup>

Another innovation Roosevelt introduced was the independent presidential commission. Roosevelt appointed six commissions on his own authority in order to investigate issues of concern to him. The six were the Commission on the Organization of Government Scientific Work, the Commission on Departmental Methods, the Commission on Public Lands, the Commission on Inland Waterways, the Commission on Country Life, and the Commission on National Conservation.<sup>49</sup> Roosevelt referred to these as "volunteer unpaid commissions" and bragged that

most of the public service performed by these volunteer commissions, carried on without a cent of pay to the men themselves, and wholly without cost to the Government, was done by men the great majority of whom were already in the Government service and already charged with responsibilities amounting each to a full man's job.<sup>50</sup>

This proud claim that no cost was involved is belied by the fact that one man, Gifford Pinchot the forester, "served upon them all,"<sup>51</sup> and by the fact that they had, at least in some cases, the resources of the Government Departments" at their command.<sup>52</sup>

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<sup>48</sup> Ibid., 452-490. This chapter on "Social and Industrial Justice" is an extended argument for the creation of a labor movement which is government sponsored in order to ensure that it has the power to countervail against the large industrial giants. Roosevelt quite apparently attempts to create such a laboring class identification among the many different labor unions of the time. He goes so far as to reinterpret the declaration of Independence as a manifesto of labor rights, see 463-464.

<sup>49</sup> Ibid., 356-359.

<sup>50</sup> Ibid., 356.

<sup>51</sup> Ibid., 359.

Nonetheless, these commissions, themselves patterned after the Interstate Commerce Commission, were to become a model for future government regulatory commissions in Roosevelt's theory. It is significant to note that Congress, after the fact, protested the creation of these commissions and passed a law prohibiting the president from creating such commissions in future without specific congressional approval. This law, Roosevelt proudly boasted, he would have refused to obey had it precluded formation of any of his pet commissions, or were he to continue in office.<sup>53</sup> Through these commissions Roosevelt was able to disseminate information to the public in an effort to educate them in his policy proposals and to persuade the public of the need to increase the scope of government activity. In addition, he was able to further separate the administrative process from the political process through the use of these commissions and to cut Congress entirely out of the loop in some cases. Congress did retaliate, however, refusing to even fund the printing of the report of the Country Life Commission.<sup>54</sup>

Likewise, Roosevelt also works to educate the reader on, as well as to justify, his foreign policy views. He may be on firmer ground in the area of foreign policy, for there are fewer impediments to presidential action than in the domestic policy arena which is covered more fully by constitutional provisions which must be circumvented in order to act the steward. Also, in the foreign policy arena, the country comes much more to the

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<sup>52</sup> Ibid., 400.

<sup>53</sup> Ibid., 407-408.

<sup>54</sup> Ibid., 407.

fore. The country, as discussed above, is less abstract and easier to determine the valid interests of than is an amorphous "whole" people. Foreign relations also is not governed by authoritative prescriptions as a country may be in its internal organization by a constitution. Finally, under the United States Constitution the president is given much more authority to deal with a free hand in matters of foreign affairs. So seizing customs houses in Venezuela, or arranging an executive agreement with Santo Domingo to collect tariffs and pay off foreign debts for that country are in many ways more defensible as legitimate acts independently executed by an active president.

### **The Parlous State of Modern Constitutionalism**

When Roosevelt states in the Autobiography that he "did and caused to be done many things not previously done by the President and the heads of the departments," he undermines the arguments of those who, like David Nichols, argue that Roosevelt does not represent a significant break with past presidential practice that signifies the arrival of a modern presidency of some sort.<sup>55</sup> Roosevelt certainly perceived himself to be breaking with tradition, even with the tradition he holds most dear as precedent, the activist presidential exercise of power by Abraham Lincoln and Andrew Jackson. Nichols finds Roosevelt to be one of the two primary originators and practitioners, along with Woodrow Wilson, of what he calls the progressive presidency. His main criticism of the

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<sup>55</sup> Autobiography, XX: 347. Nichols, The Myth of the Modern Presidency, 6-10, where he lays out his argument that there is no change in the presidency, but rather in conditions to which the national government responds by becoming more actively involved. Curiously he recognizes that such changes in government activity levels were influenced by extraordinary individuals occupying office at the time who may have injected extra-constitutional opinions into the practice of American government (71). Nichols still finds, however, that all such activities flow from the constitutional grants of authority and that the problem is not of constitutional magnitude but rather a problem of ambitious policy overstretch.

progressives seems to be that they pursued extra-constitutional designs because they failed to see that the president could do constitutionally all that they desired of him due to their theoretical confusion of the Whig theory of the presidency with the constitutional presidency.<sup>56</sup> Nichols seems to indicate, contrary to his primary assertion that too much government activity is the problem, that the activist government expansion sponsored by the progressive presidents would not have been problematic had they asserted their position from a broad constitutional reading of the powers of the presidency.

Nichols implies, without actually saying it, that Roosevelt was involved in a project of constitutional reinterpretation to meet progressive ends that required a considerable depth of theoretical understanding. Others have articulated the argument that Roosevelt represents a fundamental break with the past, but that this break did not represent a conscious theoretical design. These scholars tend to look to Woodrow Wilson as the theoretical father of the modern presidency. Sidney Milkis and Michael Nelson admit that Roosevelt "recast the presidential office," but stop short of attributing a thoughtful design to Roosevelt in accomplishing this task.<sup>57</sup> Jeffrey Tulis considered the Hepburn Act to signify "the birth of the modern administrative state," yet he too hesitates to show Roosevelt as a thoughtful critic of the Constitution.<sup>58</sup> Roosevelt himself, however, expressed a different view. In the Autobiography he writes

In internal affairs I cannot say that I entered the Presidency with any deliberately planned and far-reaching scheme of social betterment. I had, however, certain strong

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<sup>56</sup> Nichols, 71, 169-171.

<sup>57</sup> Sidney M. Milkis and Michael Nelson The American Presidency: Origins and Development, 1776-1990, 190.

<sup>58</sup> Tulis, 101.

convictions; and I was on the lookout for every opportunity of realizing those convictions. I was bent upon making the Government the most efficient possible instrument in helping the people of the United States to better themselves in every way, politically, socially, and industrially. I believed with all my heart in real and thoroughgoing democracy, and I wished to make this democracy industrial as well as political, although I had only partially formulated the methods I believed we should follow.<sup>59</sup>

Roosevelt claims to have come to the office, not with a long list of policy prescriptions, but with some strong convictions, a way of thinking about the problems of the country and a direction in which to pursue solutions to those problems. It sounds as if Roosevelt had a passably clear theoretical foundation for his political goals.

This notion is further supported by a letter from Roosevelt to George Otto Trevelyan in 1908. Writing of his decision to not seek a third term in 1908, he says he “of course acted on a carefully thought-out and considered theory.”<sup>60</sup> He continued to give a deeper exposition of his position based upon historical and political precedent.

There are strong reasons why my course should be condemned; yet I think that the countervailing reasons are still stronger. Of course when I spoke I had in view the precedent set by Washington and continued ever since, the precedent which recognizes the fact that, as there inheres in the Presidency more power than in any other office in any great republic or constitutional monarchy of modern times, it can only be saved from abuse by having the people as a whole accept as axiomatic the position that one man can hold it for no more than a limited time. I don't think that any harm comes from the concentration of powers in one man's hands, provided the holder does not keep it for more than a certain, definite time, and then returns to the people from whom he sprang. In the great days of the Roman Republic no harm whatever came from the dictatorship, because great tho the power of the dictator was, after a comparatively short period he surrendered it back to those from whom he gained it. On the other hand, the history of the first and second French Republics, not to speak of the Spanish-American Republics, not to speak of the Commonwealth, in Seventeenth-Century England, has shown that the strong man, and even the strong man who is good, may very readily subvert free institutions if he and the people at large grow to accept his continued possession of vast power as being necessary to

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<sup>59</sup> Autobiography, 376.

<sup>60</sup> Letters, VI: 1085.

good government. It is a very unhealthy thing that any man should be considered necessary to the people as a whole, save in the way of meeting some given crisis. Moreover, in a republic like ours the vital need is that there shall be a general recognition of the moral law, of the law which, as regards public men, means belief in efficient and disinterested service for the public rendered without thought of personal gain, and above all without the thought of self-perpetuation in office.<sup>61</sup>

Roosevelt's argument here is impressive not only for the depth of thought and weight of evidence he brings to bear in a short space to defend his point, but also by the absence of evidence drawn from the American Constitution or the founding era other than the example of George Washington. His theoretical principles are not fundamentally grounded in the American founding, despite his very real and sincere nationalism.

The manner of argumentation which Roosevelt assumes, and for which he can at least be considered as a precedent, has had disturbing results for the practice of constitutional politics in America. Harvey Mansfield noted in an essay on the 1980 presidential election that a presidential candidate widely thought to represent constitutional scruples failed to argue for change on the basis of identifiably constitutional principles, opting instead to argue for conservative principles as a counter to the leftist principles which supported the New Deal and its spawn.<sup>62</sup> In 1993 the newly elected president treated his fellow citizens to the spectacle of an attempted national takeover of the health care industry. Missing from what little honest debate occurred in the ensuing brouhaha was a justification on constitutional grounds for government absorption of the health care industry. The authority to do so was apparently assumed as a given, the only question being whether the supporters of private health care had the

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<sup>61</sup> Ibid., 1086.

<sup>62</sup> Mansfield, *America's Constitutional Soul*, 31.



political clout to preserve the modicum of independence remaining to the industry. Such examples may be seen to follow the example Theodore Roosevelt set of not grounding his arguments in the Constitution while at the same time making the occasional bow in the direction of the Constitution. As Jeffrey Tulis notes, the presidency of Theodore Roosevelt marks the beginning of a decided decline in well-constructed, well-developed, and convincingly presented constitutional speech.<sup>63</sup> This legacy remains with us today.

I have attempted in this study to demonstrate that there are reasonable grounds for asserting that Theodore Roosevelt was more responsible than has been generally acknowledged for the theoretical foundations of what is known as the modern presidency. The task has been a bittersweet one, for any serious study of Roosevelt's political thought must reckon with his divergence from traditional American constitutionalism. As fine and virtuous a man as he may have been, the result of his political life and teaching has been a diminished veneration for the forms and formalities of American politics as laid down in the Constitution. Roosevelt scholar Elting Morison informs us in his introduction to a recent reprint of Roosevelt's Autobiography that "in sum, there is a lot of interesting history in these pages that can still be read to our advantage in our attempts to deal with modern conditions."<sup>64</sup> It is unfortunate that scholars of Morison's stature are unable to refer to the United States Constitution in similar terms, as a guide for good government even under modern conditions. There is more than interesting history in the Autobiography, just as there is more than "sterile,

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<sup>63</sup> Tulis, 180.

<sup>64</sup> Theodore Roosevelt, An Autobiography, Da Capo Reprint, New introduction by Elting Morison (New York: Charles Scribner's Sons, 1913), ix.

banal, and . . . droningly repetitive” verbiage in his earlier writings.<sup>65</sup> There is a political teaching informed by a sophisticated understanding of politics and history that Roosevelt articulated in his public rhetoric for three decades prior to the publication of the Autobiography, and which he put into practice as President of the United States from 1901 to 1908.

Apart from those aspects of his political theory that diverge from the Constitution there is much that is admirable. His affirmation of the importance of moral virtue and statesmanship to the maintenance of a well-ordered regime and to the practice of good government is a remarkable testament to his own strength of character and wisdom. In an age in which character is considered unimportant in a presidential candidate, Roosevelt’s stern advocacy of character as vital to the very survival of the country, and as absolutely necessary in the chief executive, has the refreshing ring of truth. One must also be cautious not to criticize Roosevelt too harshly for being drawn, as were many of his contemporaries, by the promise of new science and philosophy emanating from the respected educational and scientific establishments of Europe. The lingering influence of Roosevelt’s thought and action in American politics despite the failure of these advances to fulfill their promise is further testament to his greatness.

As we view in retrospect the combination of vitality, virtue, and charisma in the person of Theodore Roosevelt, we must not become distracted by his engaging vitality and charisma to the extent that we lose sight of his virtue. His understanding of and support for democratic government absolutely rely upon the continued moral virtue of

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<sup>65</sup> Morris, The Rise of Theodore Roosevelt, 467.

both the citizen body and their public officials. Roosevelt, despite his nationalism, in many ways resembles the Anti-Federalists who looked to the virtue of the small republic as the proper defense for republican government. In the end, though, Theodore Roosevelt's theory of government, if compared to Publius and held up to the standard of the Constitution, suffers from having, as Herbert Storing said of the Anti-Federalists, the weaker argument.

This study has emphasized the political theory that stands as the foundation for the stewardship theory of the presidency which Roosevelt articulated. The limited field of view has left much undone. I have looked primarily to the pre-presidential writings and speeches of Roosevelt in order to illuminate the theory that informed Roosevelt's rhetoric as well as his actions as president. Having laid the theoretical foundation, a deeper examination of the manner in which Roosevelt put the theory to work in practice in specific political situations is called for. Specifically, the *Northern Securities case*<sup>66</sup> seems to occupy a position of critical importance to Roosevelt's overall project to increase the scope of government authority and power. Fruitful work remains to be done on the subject of Roosevelt's foreign policy and how his theory of executive power may be more suited to this range of subjects than to domestic issues. Finally, further work remains to be done in reconciling the supposed distinction between the early Roosevelt with the later, allegedly more progressive Roosevelt. These issues await their due consideration at a later time.

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<sup>66</sup> *Northern Securities Co. v. United States*, 193 U.S. 197 (1904).

Amidst the ferment of an age of tremendous social, industrial, scientific, and political change, Theodore Roosevelt, endowed with magnificent gifts by nature and his upbringing, acted as if he knew for a certainty where he was going and how to get there, and he invited the American people to join him on the journey. He had earned his way through many years of study and experience, and had worked tirelessly during those years to prepare the American people for the journey through a campaign of rhetorical education. At the appointed time he was able to capitalize on the accumulated trust and good will he had built up during the years of preparation. Here was a man who had thought about the problems of democratic government in a modern context, constructed a theoretical foundation from which to address and solve those problems, and who had determined to achieve a position of power from which to apply those ideas. He may not have presented his theory of politics in a systematic treatise, but the theory is revealed in rhetoric and action. His goal was nothing less than the political reformation of American society in order to preserve self-government. In this project of reformation we may belatedly say he succeeded admirably. The weaknesses of his prescriptions for maintaining democracy linger with us to this day, for his reliance on moral virtue for the security of self-government has proven over time to be a slim reed. The wise Publius wrote the epitaph for Roosevelt's political theory a century before Roosevelt developed it, for Publius in 1788 knew what Roosevelt never fully understood, "enlightened statesmen will not always be at the helm."<sup>67</sup>

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<sup>67</sup> The Federalist No. 10, 80.

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